United Nations S/PV.6216

Security Council

Sixty-fourth year

Provisional

6216th meeting

Wednesday, 11 November 2009, 10 a.m.

New York

President:	Mr. Spindelegger	(Austria)
Members:	Burkina Faso	Mr. Kafando
	China	Mr. Zhang Yesui
	Costa Rica	Mr. Ugalde
	Croatia	Mr. Jandroković
	France	Mr. Araud
	Japan	Mr. Miyajima
	Libyan Arab Jamahiriya	Mr. Dabbashi
	Mexico	Mr. Heller
	Russian Federation	Mr. Churkin
	Turkey	Mr. Çorman
	Uganda	Mr. Lukwiya
	United Kingdom of Great Britain and Northern Ireland	Baroness Taylor
	United States of America	Ms. DiCarlo
	Viet Nam	Mr. Le Luong Minh

Agenda

Protection of civilians in armed conflict

Letter dated 2 November 2009 from the Permanent Representative of Austria to the United Nations addressed to the Secretary-General (S/2009/567)

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09-60204 (E)

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The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

Protection of civilians in armed conflict

Letter dated 2 November 2009 from the Permanent Representative of Austria to the United Nations addressed to the Secretary-General (S/2009/567)

The President: I wish to warmly welcome the Secretary-General, the Minister for Foreign Affairs of Croatia and the other ministers participating in today's Security Council meeting. Their presence is an affirmation of the importance of the subject matter to be discussed.

I propose, with the consent of the Council, to invite the representatives of those countries inscribed on the list of speakers to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, the representatives of the following countries took the seats reserved for them at the side of the Council Chamber: Afghanistan, Argentina, Australia, Azerbaijan, Belgium, Brazil, Canada, Colombia, Czech Republic, Denmark, Egypt, Estonia, Finland, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, India, Indonesia, Ireland, Israel, Italy, Kenya, Liechtenstein, Luxembourg, Republic of Moldova, Morocco, Netherlands, Norway, Qatar, Republic of Korea, Saudi Arabia, Slovakia, Slovenia, South Africa, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, United Arab Emirates, United Republic of Tanzania, Uruguay, Bolivarian Republic of Venezuela and Zambia.

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

It is so decided.

In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Ms. Kyung-wha Kang, Deputy High Commissioner for Human Rights.

It is so decided.

I should like to inform the Council that I have received a letter dated 10 November 2009 from the Permanent Observer of Palestine to the United Nations, which will be issued as document S/2009/577 and which reads as follows:

> "I have the honour to request that, in accordance with its previous practice, the Security Council invite the Permanent Observer of Palestine to the United Nations to participate in the meeting of the Security Council which will be held on Wednesday, 11 November 2009, regarding the protection of civilians in armed conflict."

I propose, with the consent of the Council, to invite the Permanent Observer of Palestine to participate in this meeting, in accordance with the rules of procedure and the previous practice in this regard.

There being no objection, it is so decided.

I invite the Permanent Observer of Palestine to take the seat reserved for him at the side of the Council Chamber.

I should like to inform the Council that I have received a letter dated 10 November 2009 from the Permanent Representative of Austria to the United Nations, in which he requests that His Excellency Mr. Albrecht Freiherr von Boeselager, Minister for International Cooperation and Humanitarian Affairs of the Sovereign Military Order of Malta, be invited to participate in the consideration of the item, in accordance with rule 39 of the Council's provisional rules of procedure.

If I hear no objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to His Excellency Mr. Albrecht Freiherr von Boeselager.

There being no objection, it is so decided.

I invite Mr. Von Boeselager to take the seat reserved for him at the side of the Council Chamber.

The Security Council will now begin its consideration of the item on its agenda. The Council is

meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2009/582, which contains the text of a draft resolution submitted by Austria, Azerbaijan, Belgium, Benin, Burkina Faso, Canada, Costa Rica, Croatia, Cyprus, the Czech Republic, Estonia, Finland, France, Germany, Greece, Italy, Japan, Liechtenstein, Lithuania, Luxembourg, Mexico, the Netherlands, Norway, the Republic of Moldova, Slovakia, Slovenia, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania and the United States of America.

I should also like to draw the attention of members to document S/2009/567, which contains the text of a letter dated 2 November 2009 from the Permanent Representative of Austria to the United Nations addressed to the Secretary-General, transmitting a concept paper on the item under consideration.

I should now like to make some introductory remarks.

Ten years ago, the Security Council took the unanimous decision to begin to address the protection of civilians in armed conflict in a systematic manner. Today, we are still facing tremendous challenges, and civilians, more than ever, have to pay the price of war. They have to flee their homes. They become victims of violence, armed attacks and rape. In armed conflicts all over the world, United Nations peacekeeping missions and humanitarian organizations do their utmost to alleviate the suffering of civilians, including women and children. But more needs to be done to improve the protection of civilians on the ground.

That is why, for Austria, the protection of civilians is a key priority. It is why we took the initiative to submit a draft resolution on the protection of civilians on the occasion of the tenth anniversary. This draft resolution aims to address existing gaps in the protection work of the United Nations and sets out concrete measures to improve the protection of civilians on the ground.

I would like to take this opportunity to thank all members of the Council for their constructive work in recent weeks. We also highly commend the Secretary-General for his latest report on the protection of civilians in armed conflict (S/2009/277).

We, the international community, have to do better. We need to live up to our shared responsibility to effectively respond to situations in which the safety and security of civilians are in danger.

No conflict justifies breaches of international humanitarian law. No conflict justifies the refusal of access for humanitarian workers to civilians in need. No conflict justifies impunity for those who have committed serious crimes against civilians.

The Security Council has a key role to play. The Council has a broad range of tools at its disposal to ensure compliance by all parties with their obligations under international law to protect civilians, to facilitate access for humanitarian aid and to ensure accountability for serious crimes against civilians.

Today, the protection of civilians is at the core of United Nations peacekeeping. Since 1999, the Council has mandated United Nations peacekeeping missions to protect civilians from attacks. The presence of United Nations peacekeepers generates global expectations, as well as local aspirations to protect vulnerable communities.

However, we still do not have a common understanding of what peacekeepers can and should do in the implementation of such protection mandates. We believe that an operational concept, mission-wide protection strategies and improved predeployment training on the protection of civilians will help to close this gap between Security Council mandates and their implementation. It will also contribute to ensuring the credibility of United Nations peacekeeping missions. There is a need for clear and achievable mandates based on accurate and reliable information and an assessment of threats to civilians and peacekeepers on the ground. It also requires an ongoing dialogue with troop- and police-contributing countries throughout the process.

Today's debate and the draft resolution before us provide an important opportunity to take stock of the progress made so far and to send a clear signal of our commitment to the protection of civilians. I hope that discussions will provide further guidance as we fulfil our obligation to better protect those in need.

In accordance with the understanding reached earlier among members, the Security Council will take action on the draft resolution (S/2009/582) prior to hearing statements from the participants in today's

meeting. Accordingly, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Austria, Burkina Faso, China, Costa Rica, Croatia, France, Japan, Libyan Arab Jamahiriya, Mexico, Russian Federation, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Viet Nam.

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1894 (2009).

I now invite the Secretary-General, His Excellency Mr. Ban Ki-moon, to take the floor.

The Secretary-General: I thank the Government of Austria for convening this ministerial debate to mark the tenth anniversary of the Security Council's engagement on the protection of civilians in armed conflict. I commend Foreign Minister Michael Spindelegger for his leadership.

Over the past decade, this issue has come to occupy a prominent place on the Council's agenda. We see this in the biannual open debates; we see it in the thematic resolutions on the subject; and we see it in the Council's adoption of an aide-memoire and convening of an informal expert group. Most importantly, the protection of civilians increasingly permeates the country-specific deliberations and decisions of the Council. This has raised global awareness and advanced what is, after all, a key part of this Organization's cardinal mission — saving and protecting people from the horrors of armed conflict.

Not so long ago, many Member States questioned whether internal armed conflict posed a threat to international peace and security. Today, the regional dimensions and destabilizing effects of internal conflicts have been firmly recognized. Not so long ago, Member States questioned whether the United Nations Charter contemplated the protection of civilians as a legitimate subject of a peacekeeping mandate. Today, the Council readily demonstrates its willingness to address the protection needs of civilians in situations on its agenda.

This is a welcome evolution. However, even conflicts that are not perceived by all Council members to have implications for international peace and security could have a dramatic impact on civilians and therefore warrant Council attention. We must find ways to better address these situations as well.

The past 10 years have seen some major conflicts come to an end, but others have persisted and new ones have broken out. In old and new alike, we see appalling levels of human suffering and a fundamental failure of the parties involved to respect their obligations to protect civilians. This failure demands a reinvigorated commitment by the Security Council, Member States and the United Nation to the principles of international humanitarian law, human rights law and refugee law. It requires the Council to guard against the perception that only some situations are of concern. And in practical terms, it requires us to meet five core challenges.

First, we need to strengthen compliance by all parties to conflict with international law, particularly in the conduct of hostilities. This means ensuring access to conflict zones and reporting on the way conflicts are conducted. That in turn means making better use of existing instruments and machinery. But the Council may also wish to consider ways of improving what we do and how widely we do it. At the moment, under mandates from this Council, we are able to examine and report on the impact of armed conflict on children and, soon, on sexual violence perpetrated against women wherever there is conflict and without additional procedural hurdle. This has been a welcome step. I now welcome members' thoughts on what we have learned from these mechanisms that could be applied to the broader task of protecting civilians.

Secondly, we need more consistent engagement with non-State armed groups in order to ensure their compliance and our safe access to populations in need. Member States must accept the fundamental necessity of such engagement.

Thirdly, peacekeeping missions must be enabled to discharge their protection mandates more effectively. Protection mandates place very distinct and enhanced responsibilities on peacekeepers and reshape the requirements of our missions. Most obviously, protection mandates can involve not only the static protection of a line separating forces, but the active policing of territory. This requires improved operational guidance, training, equipment and appropriate resources, especially those that allow our forces mobility.

In this connection, I welcome the recently completed independent study on the implementation of protection mandates by United Nations peacekeeping missions commissioned by the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations. I call on the Council and Member States, including troop- and police-contributing countries, in cooperation with the Secretariat, to consider the recommendations for implementation.

Fourthly, humanitarian actors must have better and safer access to civilians in need of assistance. The Council must be prepared to respond when such access is not forthcoming.

Last but not least, we must enhance accountability for individuals who commit war crimes, crimes against humanity, genocide and other serious violations of international human rights law. There is a need for consistency and perseverance in this regard. Through criminal prosecutions and other resolute action, we must hold to account those who violate the law — law, I should stress, that we have worked so hard to put in place.

As we mark the tenth anniversary of the Security Council's consideration of the protection of civilians, let us not dwell too long on what has been achieved, significant though that is. We must focus on the future and on how to ensure more effective protection of civilians in armed conflict.

The President: I thank the Secretary-General for his statement.

I now give the floor to Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

Mr. Holmes: Allow me to express sincere appreciation to you, Sir, and to the Government of Austria for convening this high-level open debate, as well as for your efforts leading to the adoption today of resolution 1894 (2009), which marks a further important advance in the Council's commitment to protecting civilians.

When the Council first took up the protection of civilians as a thematic issue in February 1999, against the backdrop of widespread atrocities and displacement in Angola, Kosovo, Sierra Leone and elsewhere, it rightly viewed the situation in very bleak terms. The presidential statement of 12 February 1999 (S/PRST/1999/6), the first on this topic, spoke of the Council's distress that civilians accounted for the vast majority of casualties in conflicts. It condemned the targeting of civilians, demanded an end to such violations and affirmed the need to bring to justice those who violate international humanitarian and human rights law. It expressed concern also over the widening gap between the rules of international humanitarian law and their application.

Significant progress has since been made in seeking enhanced protection for civilians and in developing further the normative framework. But can we say with conviction, as we meet today, that those affected by conflict enjoy a significantly greater and more tangible degree of protection than 10 years ago? Have we narrowed the gap between the rules of international humanitarian and human rights law and their application? Have we narrowed the gap between rhetoric and reality?

Even an optimistic assessment suggests that we still have far to go, first, in closing the gap between the rhetoric of internationally agreed laws for the protection of civilians and the reality of widespread non-compliance with those laws. From Afghanistan to Chad to the Democratic Republic of the Congo, the occupied Palestinian territories, Somalia, the Sudan, Yemen and beyond, the lack of compliance with the law by parties to conflict, both State and non-State, results in thousands of civilians killed or injured every month and thousands more forced from their homes into situations of dependency, destitution and yet further violations, including rape and other forms of sexual violence.

As the Secretary-General has made clear, access for humanitarians is vital to the protection of civilians in armed conflict. One issue critical to enhancing compliance and access is humanitarian engagement with non-State armed groups. Some Member States remain concerned that engagement affords those groups an unwelcome degree of recognition. Yet the reality is that armed groups account for one or more of the parties in virtually every conflict in which we operate today, however much we may condemn their aims or their often bloody acts, which take many civilian lives. For the effectiveness and safety of humanitarian operations — and we have seen some horrific attacks on humanitarians in recent weeks and months — and for the sake of access to those in need, we must have flexibility to engage these groups, to

promote their compliance with international humanitarian law and to seek their understanding of our neutrality, independence and impartiality.

We have far to go too in closing the gap between the mandates of peacekeeping missions which include the protection of civilians and the reality of the shortcomings identified in the independent study, jointly commissioned by the Office for the Coordination of Humanitarian Affairs OCHA) and the Department of Peacekeeping Operations (DPKO), which was released last Friday. I should make clear that this part of my statement includes input from the Department of Peacekeeping Operations. Under-Secretary-General Le Roy and I agreed on this in order to limit the number of speakers. The OCHA-DPKO study sheds valuable light on where we must focus our efforts in improving the implementation of protection mandates by United Nations peacekeeping missions.

First, we must address the uncertainty as to what missions, and individual actors within missions, should actually do to protect civilians and, critically, how they should do it. We should be clear that, even when they have protection of civilians mandates under Chapter VII of the Charter, United Nations peacekeeping operations continue to be guided by the basic principles of peacekeeping. They are not peace-enforcement operations. DPKO, in consultation with troop and police contributors and other stakeholders, is developing an operational concept to clarify what protection means in the peacekeeping context, which will provide the basis for further guidance. It will ensure that Member States, including troop and police contributors, the Secretariat and peacekeeping missions themselves have the same understanding of the expectations and limitations of protection mandates. Support from Member States in the Council and the General Assembly in developing the concept and this guidance will be critical.

Secondly, all missions should develop protection-of-civilians strategies, in consultation with humanitarian and human rights actors, and based on a realistic assessment of the threats and risks to the population. Guidance from Headquarters on developing such strategies will be important, and development of the operational concept is an important step in that direction. Such protection strategies must be based on the understanding that protection mandates are not limited to the protection of civilians under imminent threat of physical violence, but involve a much broader range of activities including, for example, facilitating humanitarian access, the return of refugees and displaced persons, human rights monitoring, child protection and addressing sexual violence. Their implementation is not a task exclusively for the military or police personnel of a mission, or just for the civilian components of missions and humanitarian actors. Rather, it is an overarching responsibility for the mission, whose leadership needs to finds ways to bring together the relevant mandates, capacities and expertise of those different actors.

Thirdly, leadership is crucial, and Special Representatives of the Secretary-General and the senior mission leadership must ensure protection is considered a priority across the whole mission. They must be accountable for developing and implementing protection strategies and reporting on their results. But if they are to do this effectively, they too must receive the requisite guidance, training and resources before they assume their responsibilities.

Fourthly, we must ensure, through better analysis and reporting, that the Council itself is candidly informed of the challenges missions face and the opportunities that exist to protect civilians. Only then can the Council take informed and supportive action.

Fifthly, we must ensure the requisite political commitment to the mission by the Council and by the parties on the ground, and also by troop and police contributors, who must have a firm understanding of the critical role they play in protecting civilians.

DPKO and the Department of Field Support will work closely with contributing countries and other stakeholders to ensure that protection of civilians becomes integral to predeployment training, as part of a broader effort to gather lessons learned on the implementation of protection mandates, as requested by the Special Committee on Peacekeeping Operations earlier this year.

We must also keep in mind the necessity of strengthening the host State's capacity to protect its population. Peacekeeping can assist countries in rebuilding in the aftermath of a conflict and in protecting civilians while doing so. But it cannot substitute for the State, which bears the primary responsibility for the safety and well-being of its own citizens.

While we must guard against exaggerated expectations of protection of all civilians wherever missions are deployed, as the study itself makes clear, we can nevertheless reasonably expect greater consistency and success in this core function of peacekeeping than has been the case to date. We are committed to working jointly to take forward the study's recommendations, in consultation with all relevant actors. I trust that we can count on the full cooperation and support of the Council and Member States in doing so. I am delighted that important provisions of resolution 1894 (2009) already give us a head start in this respect.

Finally, I believe that there is a gap between rhetoric and reality as it relates to the consistency with which the Council itself pursues its stated commitment to the protection of civilians. For example, targeted sanctions are a critical tool for seeking compliance with the law. They have been imposed against those responsible for humanitarian and human rights law violations in Côte d'Ivoire and in the Sudan. But in the Democratic Republic of the Congo, only those committing violations involving the targeting of children or women or obstructing the access to or the distribution of humanitarian assistance are subject to such measures. In Somalia, only those obstructing humanitarian assistance are targeted.

The Council needs a consistent and comprehensive approach to these accountability issues. The stakes for the civilians concerned are simply too high, and the allegations of selectivity or double standards too easily made otherwise. The systematic application of the aide-memoire (see S/PRST/2009/1, annex), as a checklist against which to identify protection concerns and appropriate responses in any given context, can help here, as can the informal Expert Group.

Others have characterized the gap between the rhetoric and the reality of the protection of civilians as that between idealism and realism. But the effective application of international humanitarian and human rights law is not some ideal notion. On the contrary, it is an achievable reality. What it requires, above all else, is that States and other parties to conflict give top priority to the protection of civilians, that they promote, implement and enforce the practical steps required to apply the law, and that the Security Council not only encourage them to do so but also call them to account when they do not, on the basis of the facts, not political convenience. This tenth anniversary of the protection of civilians is as good a time as any to make a fresh start.

The President: I thank Mr. Holmes for his interesting briefing. I now give the floor to Ms. Kyung-wha Kang, Deputy High Commissioner for Human Rights.

Ms. Kyung-wha Kang: I have the honour to deliver the following statement on behalf of the High Commissioner for Human Rights, Navanethem Pillay.

The particular vulnerability of human rights in situations of armed conflict means that the daily work of the Office of the High Commissioner includes a significant focus on the full range of situations under the Council's review. For this reason, and for more than a decade, successive High Commissioners have been called to brief the Council, and we are pleased to continue this tradition of collaboration in our common cause of protecting civilians exposed to the horrors of armed conflict.

The constitutional responsibility of the Council under the Charter for the maintenance of international peace and security is one of the greatest trusts of humankind. By keeping the protection of civilians in armed conflict on its agenda during the past ten years, the Council has significantly advanced our understanding of the crucial importance of the protection of civilians and human rights to the cause of international peace and security at the normative and policy level. Translating that policy into more effective action on the ground is the challenge that we must now confront.

As the report of the Secretary-General (S/2009/277) points out, this will mean enhancing compliance with international law, bolstering protection through more effective and better resourced United Nations missions, securing humanitarian access and pursuing accountability for violations. It will also mean seeking creative solutions to the political obstacles that have at times kept critical situations off the Council's formal agenda and to those obstacles that have stalled action or blocked the Council's protective response all together. And it will mean moving beyond narrow notions of what constitutes an imminent threat.

If the cause of protection is to advance in the next ten years, a higher level of political will must be mobilized to take timely and effective action to prevent

atrocities, protect the vulnerable, hold perpetrators to account and ensure redress for victims.

It is now axiomatic that the resolution of conflict and the maintenance of peace and security will be neither achieved nor sustained without due attention being paid to redressing grievances, ending impunity and protecting the human rights of civilians. But this requires greater clarity in our concepts and expeditiousness in our action. To be clear, when we say protection, we are talking about protection of the human rights of individuals as contained in international law, including international human rights law, international humanitarian law, international refugee law and international criminal law.

The authority of international law and the obligations of duty bearers — among all the parties to conflict — cannot be replaced by more amorphous notions of protection, or by less obligatory notions of charitable action. To be sure, the politics of conflict cannot be ignored. But where conflict entails the abuse of human rights, the international community must act to identify the facts and then to apply the law.

But law without enforcement is of little moment to would-be perpetrators. To be effective in the protection of civilians, the Council must consistently work to ensure accountability for perpetrators of war crimes, crimes against humanity and other gross violations of human rights. The establishment of tribunals for the former Yugoslavia, Rwanda and elsewhere, as well as the referral of specific cases to the International Criminal Court (ICC), has helped to send an important signal that, even in the fog of war, impunity is not assured. The dispatch of credible, independent, law-based commissions of inquiry that are focused on accountability and which report their findings publicly has proven to be an important catalyst in the Council's efforts to combat impunity, and more use could be made of such mechanisms.

The corrosive effect of impunity on both human rights and peace is evident in the case of the occupied Palestinian territory, as documented in the report of the United Nations Fact-Finding Mission (A/64/640) headed by the distinguished international jurist Richard Goldstone, which has been transmitted to this Council. The report lays out in detail the nature and scope of violations of international human rights and humanitarian law perpetrated against the civilian population of the occupied Palestinian territory, where, in Gaza earlier this year, Israeli forces killed well over one thousand civilians and attacked homes, schools, mosques, food and water installations and United Nations facilities. The report also documents the indiscriminate launching of rockets and mortars into southern Israel by armed Palestinian groups in Gaza, killing Israeli civilians and causing terror and trauma among communities in disregard of international humanitarian and human rights norms.

Collective punishment, as evidenced by the crippling Israeli blockade and the devastating military offensive, is a violation of international human rights and humanitarian law, as are the forcible evictions of Arabs, the demolition of homes and the expropriation of occupied East Jerusalem lands for Israeli settlements.

Until meaningful steps are taken to end impunity for these violations and to assert the applicability of international law, peace and security will remain elusive for all the people of the region. The Council is urged to embrace the recommendations in the report, so as to secure accountability for all perpetrators and to fully integrate human rights guarantees into peacemaking efforts.

The situation in the eastern Democratic Republic of Congo is a horrifying reminder of the depths to which inhumanity can spiral if left unchecked. Military operations against residual armed groups, such as the Lord's Resistance Army and the Forces Démocratiques de Libération du Rwanda, have led to massive displacement, and several hundreds of civilians have been killed this year alone. Sexual violence, including rape, has increased drastically. Support provided by the United Nations Organization Mission in the Democratic Republic of the Congo to the Congolese Army in the context of these operations needs to be reviewed whenever there is a risk of violations of international humanitarian law and human rights law. This situation is further compounded by concerns that well-known human rights violators, including an individual indicted by the ICC, continue to occupy high-level command positions within the Congolese army. Recent public statements by senior Government officials demonstrate a lack of political will to investigate high ranking officials and raise doubts regarding the zero-tolerance policy against sexual violence proclaimed by the President. Under these circumstances, the sustained and unequivocal support

of the Council to the fight against impunity is urgently needed.

Efforts to bring effective protection to the long-suffering people of Darfur have occupied countless hours of this Council's work over many years now, but without satisfactory progress towards a sustainable solution to the conflict. The Council has again emphasized the protection of civilians as a priority in renewing the mandate of the African Union-United Nations Hybrid Operation in Darfur. In 2005, the Office of the High Commissioner supported the International Commission of Inquiry on Darfur, which concluded that Government forces and militias were responsible for serious violations of international human rights and humanitarian law, and which led to the referral of the situation by this Council to the International Criminal Court. But justice remains elusive and violations continue. Darfur illustrates that, even with robust mandates, there are political, structural, operational and resource issues that limit the effectiveness of United Nations peacekeeping missions. The situation also necessitates the employment of a broader human rights approach with a focus on the entire spectrum of rights beyond physical protection.

The conflict in Afghanistan has repeatedly caught civilians in the crossfire. The recent attack on a United Nations guesthouse in Kabul, killing five United Nations staff members and injuring numerous others, is a stark reminder that United Nations personnel continue to put their lives at risk, while protecting war-affected civilians and working to build an environment that is conducive to respect for human rights. Civilian casualties continue to mount, with hundreds killed every year by armed anti-Government elements, Government forces and international forces carrying out both air strikes and ground assaults.

During the first 10 months of 2009, the United Nations Mission of Assistance in Afghanistan recorded 2,021 civilian deaths, compared with 1,838 for the same period in 2008 and 1,275 in 2007. The intensifying conflict has had a disastrous impact on the enjoyment by many Afghans of basic rights to health, food, shelter, a livelihood and education.

In addition, there continues to be an urgent need to improve overall accountability procedures, including through criminal prosecution when warranted, as well as redress for victims, while bringing the legal framework governing conflict-related detention by all who take and hold detainees into line with human rights law. The failure to pursue a credible transitional justice strategy, including holding to account those responsible for the gravest crimes over more than three decades of war and the resulting climate of impunity, is a significant factor in the challenging political context and growing insecurity that now envelop Afghanistan.

For 10 years now, the Council has worked under this thematic track to build up a framework for the protection of civilians in armed conflict. That work has better equipped the Council, and all of us, to address that vital issue. Institutionally, the Council should mandate arrangements on the ground to ensure an enhanced coherence, rather than fragmentation, and to make full use of civilian capacities, with robust human rights components in United Nations peace missions tasked to provide effective protection to the full range of vulnerable persons and groups in conflict and post-conflict countries.

The early deployment of human rights officers, the rapid fielding of human rights investigations and the organization of human rights assessments have proved to be valuable interventions, allowing us to identify trends, threats and risks, to document abuse and to hear the concerns of victims and the vulnerable. At the same time, the disparity between mandated responsibilities, on the one hand, and inadequate resources, on the other, must be addressed if the expectations of the international community and the demands of victims and the vulnerable for effective protection are to be met.

However, as this brief review of four countries on the Council's agenda reveals, the most important gap remains between policy and practice. Closing that gap will require a greater commitment by all to the explicit application of international law and to its enforcement. It will require more political will and less political exceptionalism. All must be held to a single standard. It will require enhanced resources and their more rapid deployment and an unwavering focus on the three mutually reinforcing imperatives of accountability for perpetrators, redress for victims and protection for the vulnerable. In this challenging endeavour, we — the High Commissioner and her Office — stand ready to assist.

The President: In accordance with the understanding reached among Council members, I wish

to remind all speakers to limit their statements to no more than five minutes in order to enable the Council to carry out its work expeditiously. Delegations with lengthy statements are kindly requested to circulate the texts in writing and to deliver a condensed version when speaking in the Chamber.

I shall now give the floor to members of the Council.

I invite the Minister for Foreign Affairs and European Integration of Croatia, His Excellency Mr. Gordan Jandroković, to take the floor.

Mr. Jandroković (Croatia): At the outset, allow me to thank you, Mr. President, and the Austrian presidency, for taking the initiative to re-engage this body on the vitally important issue of the protection of civilians in armed conflict, which, in our view, often strikes at the core of the Council's primary mandate regarding threats to international peace and stability.

I would also like to commend the Austrian presidency on his hard work in preparing the draft resolution on this issue, which we have just adopted. My thanks also go to Secretary-General Ban Ki-moon, for his frank and poignant remarks. His presence here today shows the clear commitment of the United Nation to placing this issue at the highest possible level.

It is evident that the nature of contemporary conflict has changed in the modern era. Nowadays, in the conduct of armed conflict, civilians more often than not become the targets of armed attacks and atrocities, including murder, deportation and ethnic cleansing, as well as rape and sexual violence. This is not only as a consequence of war but as a method and means of conducting war. Such atrocities were once considered as exceptions in the conduct of armed conflict, while today they have frequently become the rule.

The defining moment that forced the international community to conclude that a more decisive and comprehensive approach and action were required came in the mid-1990s with the genocides committed in Rwanda and Bosnia and Herzegovina. Our own experience of the early 1990s showed us that there still existed an immense gap between the theoretical implementation of international humanitarian law and practice on the ground.

It is especially important to note that the majority of atrocities committed during the war in Croatia were perpetrated before the arrival of international peacekeeping forces. For that reason, we hope that the resolution just adopted will strengthen the resolve of the international community to react quickly and decisively in order to minimize actual threats to civilians.

As a response to the atrocities committed during the 1990s, The Security Council took an important decision in 1999 to add to the mandate of the peacekeeping operation in Sierra Leone a direct reference to the protection of civilians — including through the use of force — as a mandated task of that peacekeeping operation. The introduction of the protection of civilian provisions became increasingly important in later peacekeeping mandates, where the concept became the central part of the mandate of the peacekeeping operation in the Democratic Republic of the Congo, and has since been introduced into a plethora of other United Nations-mandated peacekeeping missions.

I would like to add that while a peacekeeping mission may be able to help stop violations of international humanitarian law on the ground, for any long term and sustainable improvement of a conflict situation there needs to be solid cooperation between peacekeeping and other international personnel and the authorities and populace of the host country. Such personnel work closely with civilians on the ground, and a deterioration of relations between them may have an indeterminate yet detrimental effect on overall political efforts to establish and sustain peace and prosperity.

This has led the United Nations to develop a more integrated or multidimensional approach to peacekeeping, which is well reflected in the Department of Peacekeeping Operations' New Horizon non-paper on the protection of civilians. Here the emphasis is placed not only on issues of immediate security or military concern but also on long-term issues, such as the protection of civilians, the strengthening of civil society and security sector reform, as well as on economic revitalization and development.

Development is especially important in this context since, without assisting a host country's return to self-sustainability, recourse to violence can and quite often does occur, as has been demonstrated by

returning peacekeeping operations to countries in West Africa, Timor Leste and Haiti.

The war of independence in Croatia during the early 1990s produced untold consequences on a great many civilians in my country. Apart from the resulting death and destruction, I would like to stress that Croatia, a nation of 4.5 million people, was nearly overwhelmed with over 850,000 displaced persons and refugees, more than half of whom came from neighbouring Bosnia and Herzegovina. Although this was an immense challenge, we managed to ensure the provision of all necessary facilities for this population, as well as the maintenance of the normal functioning of all institutions.

The terrible losses suffered in Croatia as a consequence of the conflict spurred our leaders to explore new avenues for seeking internationally-agreed and legally binding redress for the crimes committed, without prejudice, through the establishment of an ad hoc tribunal. This resulted in the establishment of the International Criminal Tribunal for the Former Yugoslavia. In advocating for a tribunal, Croatia did not lose sight of the fact that the duty to protect civilians by implementing international humanitarian law lies primarily with the parties to the conflict and, as such, it emphasized the vital principle that judicial processes individualize criminal responsibility.

For its part, by establishing the ad hoc Criminal Tribunals for the Former Yugoslavia and Rwanda, the Security Council opened a new chapter in international law, leading to the establishment of the International Criminal Court and a number of other hybrid tribunals. All these have proved to be valuable tools in combating impunity as a corrosive force that can undermine chances for reconciliation and the building of lasting peace.

Over the years, the Security Council has acted in numerous other ways to enhance the protection of civilians agenda. The Council has promoted the use of mediation in order to help prevent the outbreak of armed conflict in crisis situations. It has used its influence on parties to armed conflict to observe standards of protection, including by imposing targeted measures against recalcitrant parties in cases of violations of international humanitarian and human rights law. And it has now even referred specific situations to the International Criminal Court.

The sixtieth anniversary of the core treaties of international humanitarian law — the Geneva Conventions of 1949 and their subsequent protocols — likewise provide us with an opportunity to look back and examine our own roles in implementing the central tenets of these treaties. They also allow us to analyse the degree and level of success to which the various international actors have managed these inherent responsibilities.

In spite of numerous positive developments in the Council, Croatia remains extremely concerned about the severity and prevalence of constraints on humanitarian access in the field, as well as the frequency and gravity of attacks on humanitarian personnel, bearing in mind the impact they also has on civilians, especially women and children. The Council has a responsibility to respond to situations of armed conflict where humanitarian assistance is being deliberately obstructed, not merely by calling on the parties involved to allow unimpeded passage to relief, but also by imposing targeted measures in grave instances of the wilful impediment of such supplies. Moreover, the concept of the responsibility to protect, as reflected in the 2005 World Summit Outcome Document (General Assembly resolution 60/1), represents an integral part of the protection of civilians agenda.

As world leaders have acknowledged, individual States are responsible for protecting their populations from the aforementioned atrocities. At the same time, the international community also has a responsibility to help protect populations and to take collective action through the Security Council if and when national authorities manifestly fail to protect their people from such atrocities.

We would also like to stress the need for greater emphasis on the issue of mines and explosive remnants of war. Croatia has much experience in the technical side of mine clearance, as well as in the rehabilitation of mine victims. We need to remember that these silent killers kill and maim long after the end of a conflict, and at that point the victims tend to be civilians rather than military personnel.

The new resolution 1894 (2009) joins a number of resolutions that the Council has adopted in the past two years on civilian-related issues, for which I would like once again to thank my friend and colleague Michael Spindelegger and the Austrian delegation.

While we agree that the Council's involvement in the protection of civilians as a thematic issue has helped create a much-needed normative framework for the issue, this progress has not been as evident in improvements of the actual situation on the ground for civilians in armed conflict.

Croatia firmly believes that the Council's new resolution offers a valuable opportunity for that improvement to take place, to the benefit of all civilians caught in armed conflict.

The President: I now invite the Right Honourable Baroness Taylor, Minister for International Defence and Security of the United Kingdom of Great Britain and Northern Ireland to take the floor.

Baroness Taylor (United Kingdom): Let me begin by thanking you, Mr. President, for convening this meeting. We are extremely grateful to you and the Austrian delegation for all your hard work in promoting an agenda item to which we attach great importance. I would also like to thank the Secretary-General for his words and the Under-Secretary-General for his informative and thought-provoking briefing. We are also very pleased to see and hear from the Deputy High Commissioner.

I would like to associate the United Kingdom with the statement that will be delivered by the Permanent Representative of Sweden on behalf of the European Union.

We share many of the concerns that have been raised in today's briefing. Given the perilous situations in which many civilian populations still find themselves despite the efforts of the Security Council over a period of 10 years, it is imperative that the protection of civilians remain at the core of the Council's work. We welcome the prominence given in resolution 1894 (2009), just adopted, to the issue of humanitarian access.

We also agree with the Secretary-General that we can do more to minimize violations of international humanitarian law. The Council should be ready to address flagrant and widespread violations committed against civilians, even when they take place in situations of internal armed conflict. Protecting civilians requires a holistic approach that will sometimes stray into areas that are sensitive for some Governments. We must be ready to face up to those challenges.

We would also like to see the Council show genuine readiness to engage in conflict prevention as well as resolution. As a Council, we often talk about the importance of prevention but only rarely are we able to achieve consensus on action. If we are to change that, we will need to increase our ability to receive and digest information, and, most importantly, our willingness to address threatening situations at a sufficiently early stage. As we have said before, the United Kingdom stands ready to do so.

Parties to an armed conflict bear the primary obligation under international law to protect civilians. However, where that obligation is not met or where national capacities are not adequate to provide protection, there is a clear role that United Nations peacekeeping missions can play, both in providing physical protection to civilian populations and in assisting the host Government to shoulder its own responsibilities.

My Government believes that protecting civilians is an important measure of the credibility of peacekeeping operations. It goes to the very heart of what people around the world admire and respect about the United Nations in action. We all owe a debt of gratitude to the peacekeepers who take on the vital role of protecting civilians, invariably in testing circumstances and often at considerable risk to their own safety.

We must ensure that we make realistic demands of peacekeeping missions, matched with sufficient resources, training and structures to successfully protect civilians. This is why the United Kingdom fully supports renewed efforts to improve the dialogue between the Secretariat, the Security Council and troop- and police-contributing countries. The Special Committee on Peacekeeping Operations has a key role to play in this process.

There is much good field practice on which we can build. Peacekeepers in the Democratic Republic of the Congo are actively protecting civilians in very difficult circumstances, and combining civilian and military expertise in efforts to deliver a holistic approach. The United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) has identified protection hotspots and, with the help of early warning and rapid-response mechanisms, has deployed mobile operating bases and joint protection teams.

These are innovative measures that are achieving results. MONUC, for example, proves the importance of a systematic and integrated approach to protection. It also underlines the need for comprehensive United Nations guidance to be made available to all who need it. Both measures would help leaders on the ground by framing and informing the challenging decisions they regularly face.

In this context, we look forward to digesting the findings and recommendations of a timely independent study on mandate implementation commissioned by the Department of Peacekeeping Operations (DPKO) and the Office for the Coordination of Humanitarian Affairs (OCHA). It will be important that the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs continue to work closely with one another in taking forward the recommendations contained in that study. In turn, we hope that the study will inform the considerations of the Committee of 34 and the Council's informal expert group on the protection of civilians.

This meeting today and the resolution that we have just adopted (resolution 1894 (2009)) are further steps towards developing a shared understanding on some of the more complex issues facing United Nations peacekeeping and peacebuilding. The United Kingdom looks forward to progressive discussions on these issues over the coming months and in the Special Committee on Peacekeeping Operations next year.

The President: I now call on the representative of Costa Rica.

Mr. Ugalde (Costa Rica) (*spoke in Spanish*): Mr. President, Costa Rica would like to thank you and your delegation for convening this debate on the protection of civilians and for your initiative that has led to the adoption of this new resolution (resolution 1894 (2009)) . We would also like to acknowledge the presence of the Secretary-General, the Under-Secretary-General for Humanitarian Affairs and the Deputy High Commissioner for Human Rights and thank them for their presentations. I would also like to greet the distinguished ministers present here.

During its membership in the Security Council, Costa Rica has participated in the renewal of the comprehensive protection framework. In the past two years, we have contributed to the adoption of resolutions on children in armed conflict (resolution 1882 (2009)), sexual violence (resolution 1820 (2008)), women and peace and security (resolutions 1888 (2009) and 1889 (2009)), and also to the update of the aide-memoire. Today, we close the cycle by bringing this framework up to date through the adoption of the new resolution on the protection of civilians in armed conflict (resolution 1894 (2009)). In addition, Costa Rica has promoted the strengthening of protection mandates in several peacekeeping missions and has participated in the group of experts on the protection of civilians since its inception.

During the past 10 years, the protection of civilians has been recognized as a fundamental component of the United Nations mandate and as a central element for the legitimacy and credibility of peacekeeping operations. Despite the progress achieved so far, considerable problems remain, particularly in the areas of accountability and compliance with international law.

Costa Rica believes that the Security Council must ensure the protection of civilian populations and strongly and decisively respond to grave violations by using all available resources. The obligations to protect civilians apply to all situations and must be held to the same standards in all parts of the world, regardless of any political consideration.

Another important aspect of this mandate is accountability. The Council has the responsibility of closely monitoring situations where international standards are repeatedly violated. We believe that the Council has the obligation to obtain timely and detailed information, promote investigations when necessary, and ensure timely assistance to victims. We must work resolutely towards achieving agreements that guarantee victims' access to justice, including by referring situations to the International Criminal Court, bearing in mind its subsidiary role, when national authorities lack the capacity or political will to fulfil their obligations. The Council must implement actions to strengthen the security sector in all its missions, particularly those authorities charged with providing transitional justice, which is an indispensable tool for consolidating peace, recovering stability, combating impunity and ensuring respect for human rights.

The protection of civilians is a comprehensive and multidimensional concept and is the primary responsibility of States. Nevertheless, given the nature of today's conflicts, in order to achieve its objectives, this concept requires strategic partnerships among

States, the United Nations, regional organizations, non-governmental organizations and the affected populations themselves.

Efforts to integrate the establishment and renewal of mandates, mission planning, deployment and evaluation have not been sufficient so far to mainstream the protection of civilians as a cross-cutting pillar in the work of peacekeeping operations and the achievement of their objectives. In order to achieve effectiveness in the protection of civilians, it is necessary to work towards greater integration of efforts in peacekeeping operations and improve coordination between political, military and humanitarian actors.

The Security Council, mission personnel, humanitarian actors and the civilian population should clearly know what is expected of a mission, as well as their roles and responsibilities. The Council must be specifically aware of the resources that are needed for the effective implementation of its mandates. There must be a strategy for each mission that includes all of the mission's components. In order to fulfil their tasks, peacekeepers must have clear guidelines and proper training that derives from a general operational concept. In addition, to improve security, it is necessary to enhance interaction and promote a better flow of information among missions, humanitarian actors and local populations.

For its part, the Secretariat must systematically include in its country-specific reports relevant data and recommendations to protect the civilian population, reduce risks and threats and information on humanitarian access constraints.

In summary, stronger leadership and responsibility is necessary to ensure greater coherence, unity of purpose and a common vision, as well as to link the protection of civilians to the success of the political solution to any conflict.

I would like to make a brief statement on behalf of the Human Security Network, comprised of Austria, Canada, Chile, Costa Rica, Greece, Ireland, Jordan, Mali, Norway, Slovenia, Switzerland and Thailand, and South Africa as an observer member:

This year marks the tenth anniversary of the first Security Council resolution containing specific provisions for the protection of civilians in armed conflict (resolution 1265 (1999)) and is also the tenth anniversary of our Network. We would like to express our satisfaction with a conclusion of the process that has led to the adoption of the new resolution (resolution 1894 (2009)).

We would like congratulate Austria for achieving this outcome. We are delighted with the progress of the Security Council has made in the thematic discussions and the positive developments in this area. We would like to reiterate our conviction that it is still necessary to work on five challenges listed in the report of the Secretary-General (S/2009/277). We believe that it is important to include the human security perspective in order to guarantee not only the physical protection but also the human dignity of civilians affected by armed conflict.

The President: I now call on the representative of France.

Mr. Araud (France) (*spoke in French*): I would like to thank Austria for the opportunity it has given us to address once more in this open debate format the matter of the protection of civilians in armed conflict. France supports the statement to be made by the representative of Sweden, who will speak on behalf of the European Union.

As we are celebrating the sixtieth anniversary of the Geneva Conventions and the tenth anniversary of the first resolution on the protection of civilians (resolution 1265 (1999)), I wish to reaffirm France's commitment in this field. The respect for international humanitarian law is non-negotiable. All parties to an armed conflict — States and non-State groups alike — must respect this law. Human rights must be ensured, whether we are talking about the Sudan, Gaza, Sri Lanka or even, more recently, in Guinea. The growing likelihood of conflicts occurring in densely populated areas and against adversaries who are not wearing uniforms raises additional issues with regard to the implementation of the Geneva Conventions. That is a matter that merits the attention of the international community.

I should like to confine my statement to two issues, namely, first, peacekeeping operations and, secondly, combating impunity.

Ensuring the protection of civilians, which is part of peacekeeping operations, is not limited to carrying out military tasks to protect against immediate threats of physical violence. It also encompasses greater and more complex responsibilities and tasks. It entails the

development of integrated operational directives as part of comprehensive strategic planning.

We must also define peacekeeping operations in concrete terms. France has contributed financially to a Secretariat study on that issue. The recommendations to emerge from that study should make it possible for the chain of actors involved in the protection of civilians — from the Security Council, at the time when mandates are set out, to stakeholders on the ground, at the time that instructions are conveyed to contingents — to have a common and unambiguous understanding of their obligations. In addition, the Security Council must ask for what is possible; but it must subsequently be certain of what has been done.

With regard to that last point, allow me to dwell a little on the Democratic Republic of the Congo — a major tragedy of our time that has cost the lives of hundreds of thousands, and perhaps even millions, of civilians. The United Nations operation in the Democratic Republic of the Congo is an illustration of all the challenges that we must face. Of course, we have made an attempt to respond by further defining the mission's mandate through resolution 1856 (2008). It is also true that we have enacted innovative initiatives on the ground, including joint protection teams and the establishment of an early warning system. However, as non-governmental organizations are repeatedly telling us today, we should ask ourselves about the reality on the ground.

Massacres and attacks against civilians are continuing at an alarming rate. Therefore, when it falls on us to renew the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo at the end of this year, the Security Council should demonstrate its determination to implement the resolution that we have just adopted on the protection of civilians (resolution 1894 (2009)). France will be especially vigilant in that regard.

That is what I wanted to say about peacekeeping operations. Let me now turn to combating impunity. In that connection, States must prosecute and punish those responsible for violations of human rights and international humanitarian law. That requires carrying out impartial and independent investigations. Should there be a failure to do so, international criminal justice systems must try the most serious crimes. France calls upon all States to accede to the Rome Statute and to cooperate with the International Criminal Court. Without real punishment there can be no prevention or discouragement of such crimes. It is for that reason that the Security Council must study the possibility of including sanctions for violations of international humanitarian law when it establishes or renews the mandates of sanctions committees, including the prevention of access to humanitarian assistance.

Lastly, I should like to take the opportunity provided by this meeting of the Security Council to commend the General Assembly's recent reaffirmation of the concept of the responsibility to protect. The Security Council has a special responsibility under that concept. It is not just a matter of intervening in serious crises to put an end to the most heinous crimes; it is also a matter of acting beforehand to prevent such crimes and of strengthening warning systems for situations where there is the potential for such crimes. In its action in the Council, France is always mindful of that responsibility. We will spare no effort to operationalize that concept.

The President: I now give the floor to the representative of the Russian Federation.

Mr. Churkin (Russian Federation) (*spoke in Russian*): We are very pleased to welcome you, Sir, as you preside over the Security Council at this important meeting. We would like to thank our Austrian partners for their initiative to once again address the issue of the protection of civilians in armed conflict. We would also like to express our gratitude for Austria's contribution to the drafting of the resolution that the Council has just adopted (resolution 1894 (2009)). We are also grateful for the statements made by Secretary-General Ban Ki-moon, Under-Secretary-General Holmes and Ms. Kyung-wha Kang, Deputy High Commissioner for Human Rights.

We support the resolution that the Council has adopted today, which is a comprehensive document that was the outcome of a thorough discussion and which encompasses legal, humanitarian and peacekeeping issues as they pertain to the issue under discussion.

The Russian Federation supports the peaceful settlement of disputes. There should be no room for violence and armed conflict in the twenty-first century. However, we live in the real world. In spite of efforts by the international community, conflicts continue to occur and to take the lives of many people, most of them civilians. It is therefore civilians who require our

special protection, first and foremost women, children, older persons and the humanitarian staff who assist them.

We are convinced that, in order to remedy the situation, we must reject selective and one-sided approaches to violations of international humanitarian law. There must be strict adherence to human rights standards, as well as compliance with the relevant decisions of the Security Council.

We unequivocally condemn both deliberate attacks on civilians and the loss of civilian life as the result of the indiscriminate or disproportionate use of force, which is a gross violation of international humanitarian law. We welcome the fact that this issue has been duly reflected in the resolution that the Council has adopted today. There is no justification for armed groups that attack civilians, carry out terrorist acts and take hostages.

We would like to underscore the shared responsibility of all parties to ensure the protection of civilians and to adhere strictly to international humanitarian law. We also support the thorough investigation of incidents involving violence, including punishing those responsible. That also applies to the activities of private security companies, whose actions often victimize innocent people.

The protection of civilians is primarily the responsibility of the Governments of the States involved in a conflict. All parties to an armed conflict have the responsibility to protect civilians. The actions of the international community should be focused on assisting national efforts in that regard. The international community can only take appropriate steps, especially when it comes to the use of force, under the auspices and with the consent of the Security Council, as well as in accordance with the Charter of the United Nations. Of course, we should always bear in mind the economic, social, historical, religious, cultural and other specific features of each country and region, including the specific nature of each conflict and the possible ways to resolve it.

The issue of the protection of civilians during peacekeeping operations still requires more detailed work. That should be done in harmony with further steps to enhance the effectiveness of United Nations peacekeeping operations. In that regard, we are in favour of further fine-tuning the practice of operational consultations between members of the Security Council, troop-contributing countries and the Secretariat on all aspects of peacekeeping operations, including during the planning stages, on the basis of existing procedures and arrangements and previous decisions of the Security Council.

There is no doubt that the Security Council should develop clear and realistic mandates to protect civilians, bearing in mind the material and financial resources available to United Nations peacekeeping operations and the operational guidelines in that regard, as well as on the basis of consultations with Member States.

At the same time, we must not forget that the protection of civilians is only one aspect of the mandate of a peacekeeping operation. The main task of United Nations peacekeepers is to assist the peace process. In the protection of civilians, the disarmament, demobilization and reintegration of former combatants can play a very important role. Such efforts require an appropriate level of support from United Nations peacekeepers. An important factor is the work of humanitarian agencies, which should be carried out in conformity with the Charter of the United Nations and humanitarian principles. The success of such action depends largely on how it accords with the efforts of the international community in achieving a peaceful settlement.

The President: I call on the representative of Japan.

Mr. Takasu (Japan): I thank you, Mr. President, for organizing this important debate. I would also like to congratulate Austria on its leadership in promoting the cause of the protection of civilians. In addition, we are grateful to the Secretary-General; Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator; and Ms. Kyung-wha Kang, Deputy High Commissioner for Human Rights, for their valuable presentations.

The Security Council has developed a number of normative standards and frameworks on the protection of civilians since it adopted resolution 1265 (1999). They include, inter alia, the aide-memoire for reviewing mission mandates, revised earlier this year, and resolution 1894 (2009), just adopted. At the same time, we should acknowledge that enormous and wide-ranging challenges to the protection of civilians — such as sexual violence, child soldiers, deliberate attacks on humanitarian personnel and other violations

of international humanitarian and human rights law — remain in many parts of the world. The most pressing task for us now is to determine how we can put those normative frameworks and standards into practice.

First and foremost, international humanitarian and human rights laws must be acceded to by all States. Regrettably, many of the States involved in armed conflict have not yet acceded to such key instruments as the Additional Protocols to the 1949 Geneva Convention and the Rome Statute of the International Criminal Court. We urge all States to become parties to those instruments.

Once ratified, those instruments must be complied with and implemented. States have primary responsibility for protecting their citizens. However, States in armed conflict often lack the capacity and the institutions necessary for such implementation. It is essential that those States strengthen their law-enforcement institutions, promote security sector reform and establish the rule of law. The international community should support the efforts of those countries in their capacity-building. Japan will extend assistance as much as possible in that regard.

We must also address equally serious violations by non-State actors, which often operate outside the effective rule of government and deliberately make use of civilians to attain their goals. The Security Council must address serious violations of international humanitarian and human rights law whenever they occur, make its position known and urge parties to take steps to ameliorate the situation. If necessary, the Council should take measures to verify the facts and establish accountability, and sometimes also impose targeted sanctions to ensure the compliance of State and non-State groups with international law.

The United Nations assumes direct responsibility for protecting civilians where United Nations peacekeeping operations are deployed, and it is tasked with doing so. Of course, that is easier said than done. Out of the 15 peacekeeping operations currently deployed, eight are tasked with a protection mandate. Many of those missions face difficulties in implementing their complicated and demanding mandates with limited human and material resources. The areas in which they are deployed are generally large, and in many cases mission personnel do not necessarily have a clear understanding of how a Security Council mandate should be translated into operational activities on the ground.

If a mandate is to be successfully implemented, it must be realistic and feasible. In other words, in determining the mandate of a peacekeeping operation, the Security Council must fully take into account local security and other situations, as well as available resources and field support. That is important for the credibility of the Council and of the United Nations as a whole. From the perspective of guaranteeing credibility, we request the Secretary-General to ensure this by communicating clearly to the Government and the people of the host country the specific role that the mission is expected to perform.

Some missions have begun to take innovative approaches to translating the will of the Council into an operational plan. Unfortunately, many have not. In order to overcome that situation, we request the Secretariat to formulate and develop an operational concept and guidelines on the protection of civilians that are most appropriately tailored to meeting mission-specific requirements and situations on the ground.

At the same time, I wish to emphasize that protection does not mean merely protection from imminent military threat. A protection mandate needs to be implemented not only by a military component, but also by a civilian component, to deal with issues such as human rights violations and civil-military coordination. Therefore, each mission with a protection mandate needs to develop a comprehensive strategy.

In that regard, I wish to underline that empowering vulnerable people — children, refugees, internally displaced persons and others — also contributes to protecting civilians and preventing the recurrence of conflict. Empowerment is a core notion of human security. We believe that it provides added value to an operational plan and strategy for the protection of civilians.

In addition to improved guidelines and a strategy, it is essential to ensure an appropriate level of human and financial resources, training, information about the local situation, assets and equipment, including land and air transportation, and communications for effective mandate implementation. It is therefore indispensable to consult very closely with troop-contributing countries, police-contributing countries, major finance-contributing countries and host countries in the early stages of mandate formulation. In

particular, we need to strengthen predeployment training, because the skills necessary for a protection mandate differ significantly from those required for other operations.

We are very pleased at the high priority now being placed on this issue by the Secretary-General, the Secretariat and the Security Council itself. I hope that the outcomes of exercises such as the New Horizon study, the joint study between the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations, and the Security Council Working Group on Peacekeeping Operations will be fully reflected in order to strengthen partnerships with all stakeholders, including, inter alia, troop-contributing countries, police-contributing countries and major finance-contributing countries.

In conclusion, if the Council is to take appropriate action, it must receive timely and accurate information on the ground. United Nations missions with protection mandates should provide the Council with more detailed information about the protection of civilians on the ground. We value the meetings of the Security Council Expert Group on the Protection of Civilians in order to receive briefings from the Secretariat on the latest information prior to consultations on the mandates of specific missions.

The Security Council should continue to improve its work both in the formulation stage and in the implementation stage. Resolution 1894 (2009), adopted today, is an important contribution to setting the course that the Council should follow. In other words, we should closely monitor progress against the yardsticks provided for in the resolution.

I would like to conclude by reaffirming Japan's strong commitment to enhancing the security of vulnerable people caught in conflict.

The President: I call on the representative of the Libyan Arab Jamahiriya.

Mr. Dabbashi (Libyan Arab Jamahiriya) (*spoke in Arabic*): I should like at the outset to thank the delegation of Austria for having organized this important meeting and to thank you personally, Sir, for presiding over it. I wish also to thank His Excellency the Secretary-General for his presence among us and for his important contribution to the debate. Nor can I fail to thank the Under-Secretary-General for Humanitarian Affairs and the Deputy High Commissioner for Human Rights for their statements.

Participants at the 2005 World Summit endorsed the principle of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. The Security Council's deliberations and its relevant resolutions, including resolution 1674 (2006), helped to establish a framework incorporating measures on the protection of civilians in armed conflict. Those measures were intended to enhance the implementation on the ground of the principles of international humanitarian law and human rights law.

But in spite of the substantial progress achieved in the sphere of the codification of international humanitarian law and in spite of the endorsement of the general principles of the protection of civilians in armed conflict, the tangible results in terms of implementation have not yet reached the target. This frequently creates frustration because of the great divergence between principle and action.

The number of victims of armed conflict, including victims of foreign occupation, has not decreased. The suffering of victims has increased. This suffering includes torture and other forms of inhumane treatment such as gender-based and sexual violence, violence against children, the recruitment of child soldiers, trafficking in persons, displacement and the deliberate denial of access to international assistance.

We continue to live in a world in which States and groups wilfully and wantonly target civilians or adopt strategies that they know have the potential to result in the killing of civilians. Here, we note that wars have been and continue to be waged on the pretext of fighting terrorism or self-defence. In most such wars, principles and norms of international humanitarian law have not been heeded. The majority of casualties in these wars have been civilians. That is true in particular of Israel's repeated acts of aggression against Lebanon, the war in Iraq and the invasion of Afghanistan.

Nor must we forget the victims of local conflicts. The Somali people have been subject to killings, displacement, exile as refugees, hunger and threats and have been deprived of their fundamental rights. In the eastern part of the Democratic Republic of the Congo, civilians continue to suffer as a result of the conflict and daily violations of their rights. In Darfur and in

eastern Chad, civilians continue to fall victim to tribal conflicts and regional disputes. That list is far from exhaustive, and everybody knows it.

The Palestinian people continue to suffer the harshest and most inhumane treatment under Israeli occupation. In the Gaza Strip, the most basic needs of more than 1.5 million Palestinians continue to be neglected. They are being denied access to humanitarian assistance — even assistance provided under the supervision of the United Nations, which cannot reach them in a timely manner. The Gaza Strip has become a huge prison, with entry and exit still being obstructed. That is unprecedented in human history.

But the Israeli occupation authorities were not satisfied with the situation and launched a flagrant 22-day act of aggression against the Gaza Strip, employing every means of mass destruction, including internationally prohibited weapons such as white phosphorus. The attacks spared no one and did not distinguish between civilians and members of the military. They wantonly targeted civilians, civilian infrastructure such as hospitals and schools and United Nations property and facilities. The result is known to all and has been set out in trustworthy international reports that are beyond question.

In fact, we cannot understand how the Security Council can remain silent, and how it can fail to move immediately to prosecute Israeli perpetrators of war crimes, in particular the crimes in Gaza. These are very well documented and have been set out in the report of the fact-finding body established by the Secretary-General to investigate damage to United Nations property in Gaza, as well in the report of the United Nations Fact-Finding Mission on the Israeli aggression in Gaza, chaired by Justice Richard Goldstone (see A/HRC/12/48). The General Assembly has considered the latter report and endorsed its recommendations; it has called on the Security Council to adopt measures on war crimes and crimes against humanity perpetrated by the Israeli occupation forces against civilians in Gaza. We hope that, ultimately, the support of some Council members for Israel will not block the Council's attempts to shoulder its responsibilities. We hope that Israel will cease to be an untouchable entity that is above the law.

Thousands of Palestinians were mercilessly killed or wounded in full view of the international community. Internationally prohibited weapons were used against Palestinians, and the infrastructure of Gaza was almost completely destroyed. For justice to prevail, the perpetrators of these crimes must be prosecuted. The Security Council must complement the role of the General Assembly so that its deliberations on the protection of civilians can be meaningful and so that the Council can regain its credibility.

When it adopted resolution 1674 (2006), the Security Council was very clear about the need to provide unobstructed humanitarian assistance to those in need. The Council must adopt an unwavering position on the provision of international humanitarian assistance and on meeting the basic needs of those requiring assistance. For that reason the Council must pressure the Israeli occupation authorities to lift their siege on Gaza, enabling people, goods and money to move freely, so that the basic needs of those under siege are met.

Some countries take the high moral ground when they preach at us in the Security Council about the protection of civilians. But those countries do nothing to protect Palestinians from Israeli terror or from Israel's systematic crimes against the Palestinian people, even though it is within their power to put an end to them. These countries compete to provide the weapons that the Israeli entity uses to kill and mutilate Palestinians. Moreover, they claim to be committed to Israel's so-called security, which certainly includes the security of the Israeli occupation in occupied Arab territories. This undoubtedly complicates the lives of Palestinian and Arab citizens who can find no explanation for this blind support for Israel's behaviour.

The issue of protecting civilians in armed conflict should be addressed comprehensively and in a context that includes prevention, motivation, rationales and outcomes. We would stress, first, that the Council must place greater priority on preventing the outbreak or exacerbation of conflicts. To that end, international efforts must be coordinated to combat hunger and poverty and to redress the injustices inflicted on many peoples. The activation of preventive diplomacy and early warning mechanisms would do much to prevent the outbreak and exacerbation of conflicts. Secondly, pursuant to resolution 1674 (2006), the protection of civilians should be a core priority of United Nations peacekeeping operations, which should be endowed with the means necessary to that end. Thirdly, when the

Security Council acts to guarantee the protection of civilians, its actions should be balanced and transparent, avoid double standards and be supported by a system of accountability and sanctions that serves as a deterrent to all without distinction.

We hope that our debate will result in coordinated action commensurate with the importance of the issue under discussion, which touches first and foremost on the dignity of humankind.

The President: I now give the floor to the representative of the United States of America.

Ms. DiCarlo (United States of America): I, too, would like to thank the Secretary-General for his comments this morning, and Under-Secretary-General Holmes and Deputy High Commissioner Kang for their briefings.

The United States thanks you, Sir, and the Government of Austria for organizing this important debate and for your leadership on the resolution the Security Council has just adopted. Resolution 1894 (2009) consolidates a decade of study and effort to better protect civilians in armed conflict. We also offer our deepest thanks today to the hundreds of brave United Nations personnel dispatched to war zones who have died trying to put our aspirations into practice.

As a result of this decade of United Nations action, millions of civilians have been saved and helped through political, peacekeeping, human rights, humanitarian and development efforts. This is certainly the case in such places as Burundi, Côte d'Ivoire, the Democratic Republic of the Congo, Haiti, Liberia, Sierra Leone, Sri Lanka, Timor-Leste and other countries shaken by armed conflict.

But in all too many places, the innocent have still borne the brunt of conflicts. In this same decade, the response has sometimes come too late or fallen short. Millions of Congolese died in the past decade as the direct or indirect result of armed conflict. In Darfur, hundreds of thousands of people were slaughtered and millions driven from their homes. The plight of civilians in the eastern Democratic Republic of the Congo, Darfur and elsewhere in northern and southern Sudan remains precarious and extremely worrying. Somalia and its civilian population have been devastated by decades of violence. Insurgent attacks still terrorize innocents in Iraq and Afghanistan, and the Palestinian and Israeli peoples continue to suffer from the ongoing Arab-Israeli conflict.

Far too many civilians are still threatened and victimized by violence. The perpetrators — often rebels, terrorists, extremist groups and other non-State actors — are unmoved by the law and operate outside it. War-torn States often lack the capacity to bring perpetrators to justice and provide security for their citizens. State security forces that lack the necessary training and oversight, as well as State forces integrated with former rebels during the implementation of peace agreements, can themselves threaten civilians, as evidenced by the case of the Armed Forces of the Democratic Republic of the Congo.

International peacekeepers can and do supplement local capacity in countries shaken by conflict. Eight United Nations peacekeeping missions are now mandated to protect civilians from physical violence, but some peacekeepers lack the means to match their challenging mandates. We must do better.

On occasion, the severity of the threat cannot be managed by United Nations peacekeepers. What is needed is much more sophisticated combat capability and enforcement action. It is especially important that military forces undertaking such actions abide by the Geneva Conventions, the sixtieth anniversary of which we celebrate this year. United States forces are committed to compliance with the laws of war, including the Geneva Conventions, even as we face an enemy that is loyal to no State, that hides among civilians and that routinely violates laws.

The lives of innocent civilians in all the world's conflict zones demand our concern, but the situations in which civilians are imperilled differ radically. As such, the resolution adopted today addresses a wide range of actions to strengthen the protection of civilians. I would like to highlight four of them.

First, we must continue to develop the means to ensure that the Security Council has prompt access to accurate and objective information on threats to civilians in armed conflict, impediments to humanitarian access, and alleged violations of international humanitarian, human rights and refugee law.

Secondly, we must strengthen the tools to hold accountable those who flout the laws of war. The

Security Council must be prepared to impose sanctions — whether by freezing assets, banning international travel or restricting the flow of goods and arms — on those who violate international humanitarian law. Establishing accountability and promoting reconciliation through credible and effective national courts, when possible, or through international or hybrid tribunals, when necessary, is essential to ending impunity. Those responsible must be held to account.

Thirdly, we need to support the capacity of countries emerging from conflict to rebuild their infrastructure and institutions, including those dealing with protection and security for their citizens.

Finally, members of the Security Council, troop and police contributors, and the Secretariat all need to forge a shared understanding of what the protection of civilians entails in peacekeeping contexts. Mission-wide strategies to protect civilians, involving military, police and civilian components, are critical. Peacekeepers need to be prepared, trained and equipped to employ force effectively when required, in accordance with their mandates.

In this regard, we look forward to early discussions on the study on protecting civilians recently completed by the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs, including at the forthcoming session of the General Assembly's Special Committee on Peacekeeping Operations.

We have the tools and mechanisms to protect civilians in armed conflict, but we still have considerable work to do to improve them, to develop new ones and to summon the will to use them more consistently. We must also consider taking additional measures to enhance the safety and security of United Nations personnel undertaking this vital work. And we must do all of this concurrent with our efforts to prevent, halt and end the armed conflicts themselves.

Let me thank you once again, Mr. President, for organizing this meeting on such an important issue. We regret, however, that, as we have just heard, some have sought to use this opportunity to promote other objectives.

The President: I now give the floor to the representative of Viet Nam.

Mr. Le Luong Minh (Viet Nam): I thank the Austrian presidency for taking the initiative of convening this open debate of the Council on the important issue of protection of civilians in armed conflict. I thank the Secretary-General, the Under-Secretary-General for Humanitarian Affairs and the Deputy High Commissioner for Human Rights for their statements.

My delegation aligns itself with the statement of the Non-Aligned Movement to be delivered by the representative of Egypt.

As we mark the tenth anniversary of the Security Council's consideration of the issue of protection of civilians in armed conflict, we are encouraged by the efforts of many Member States in establishing national mechanisms and institutions to ensure better protection of civilians. We commend United Nations entities in general and, in particular, the Office for the Coordination of Humanitarian Affairs (OCHA) and peacekeeping missions with mandates to protect civilians, for their work in protecting and helping civilians in armed conflict over the past years.

We remain concerned about the indiscriminate and excessive use of force against civilians, the widespread attacks against schools, hospitals and other civilian targets, as well as other violations resulting in numerous deaths, injuries and suffering of innocent civilians.

We strongly condemn the use of civilians as human shields during conflicts. It is alarming that the number of refugees and displaced persons as a result of conflicts now totals nearly 40 million, causing considerable social and economic difficulties for the host countries and localities. It is also alarming that, in many cases, humanitarian access for civilians, including access to food, fuel and medical care, has been almost totally hindered, and that humanitarian personnel continue to be attacked or prevented from delivering humanitarian assistance to civilians.

We condemn all those inhumane acts against civilians and call on all parties to conflicts to strictly comply with their obligations under international humanitarian and human rights law to protect civilians in armed conflict. To ensure favourable conditions for and the effectiveness of the delivery of humanitarian assistance to civilians in armed conflict, we emphasize the need to respect and strictly observe the principles

of neutrality, impartiality and independence in the provision of such assistance.

Viet Nam reiterates its consistent view that States bear the primary responsibility within their respective jurisdictions to protect their own populations. The United Nations, regional organizations and the international community have an important role to play in supporting and assisting Member States, particularly through political mediation and humanitarian assistance. In this connection, the engagement and cooperation with national Governments is vital. Coordination and cooperation among United Nations entities should also be further strengthened, particularly among OCHA, United Nations missions and country teams.

We are convinced that the issue of protection of civilians in armed conflict should be approached from a holistic perspective. Measures to protect civilians in armed conflict, including refugees and internally displaced persons, can only be viable if the practical needs of civilians, including those for subsistence, education and health care, are adequately addressed. In designing such measures, the methodologies used in collecting accurate, timely and reliable information from the field should be carefully considered to ensure effectiveness and efficiency. The Council and other United Nations bodies should adhere to their lines of responsibility and make the best use of existing mechanisms, with a view to avoiding duplication, thus contributing to the best possible performance of the entire United Nations system.

Resolution 1894 (2009), which the Security Council has just adopted, constitutes another effort in the international community's humanitarian cause of protecting civilians in armed conflict. I would like to thank you, Sir, and the delegation of Austria, for your efforts towards the adoption of such an important resolution.

The President: I now give the floor to the representative of Burkina Faso.

Mr. Kafando (Burkina Faso) (*spoke in French*): Since the Alpbach retreat, Mr. President, we have been aware of how meticulously you have prepared today's discussion on an issue that is central to the responsibilities of the international community and, in particular, the Security Council. We wish to commend you for that, in the belief that we will not hold just another discussion but will bring a new vision for a better understanding and a more appropriate treatment of the protection of civilians in armed conflict.

Since the adoption of resolution 1265 (1999) 10 years ago and of the Geneva Conventions 60 years ago, the Security Council has on many occasions addressed this issue, which has become more complex as various conflicts of different natures have broken out. In addition to classic warfare, today we are seeing tribal and interethnic wars leading to pogroms against civilians. The massacres in Sierra Leone and in Liberia during their civil wars and, closer to us, the atrocities in the Democratic Republic of the Congo, Darfur, Sri Lanka and Gaza, show the extent to which, despite the goodwill and efforts of people and the powerful means deployed, the protection of civilians in conflict remains a challenge, and one that is far from being successfully met. However, the Security Council's regular examination of this problem demonstrates its resolve to find fitting solutions.

Here, the legal arsenal to address the matter has grown over time. Resolution 1674 (2006) has the merit of having included the concept of impunity with that of the protection of civilians. Six other resolutions pertaining to specific aspects of the protection of civilians have made it possible to draw attention to the situation of women and children, as well as sexual violence. In parallel, the Council has adopted eight presidential statements and the updated aide-memoire of January 2009 (S/PRST/2009/1, annex), and it has set up sanctions committees and tribunals. So, the framework does exist, and it is very clear.

Unfortunately, despite such notable progress, much remains to be done because of the persistence of grave violations of international humanitarian law and in spite of all the relevant Security Council resolutions. In fact, we witness, sadly, that civilians continue to be the first targets and victims of the same atrocities: sexual violence, fires, destructions of homes and infrastructure, forced recruitment of children, sexual slavery, denial of access to humanitarian aid, forced displacement and others. In the face of those failures it is only right to remind all actors, and first and foremost combatants, of their duties and obligations.

States have the primary responsibility to protect their populations from all grave abuses. They therefore must facilitate the access of victims to redress, which requires putting in place and strengthening credible independent judicial mechanisms that are open to

victims, and the firm enforcement of court decisions to put an end to impunity. Also required are such measures as the strengthening of military justice, the establishment of boards of inquiry and truth and reconciliation commissions. To those we must add the bolstering of the rule of law in peacetime by protecting and promoting human rights, good government, socio-economic development and the consolidation of social cohesion and national unity. Those are all things that can prevent the outbreak of violence.

Just like States, armed groups also have obligations under the Geneva Conventions. Unfortunately, in some cases, we see a complete ignorance of those basic texts, particularly on the part of non-State armed groups. It is therefore absolutely necessary to establish dialogue with them, within the framework of cooperation with States, in order to inform them of the content of those fundamental texts. Such an approach, which has already shown convincing results in the realm of children in armed conflict, should not however be perceived as legitimating their existence. Moreover, armed groups must establish internal disciplinary sanctions and implement them with due stringency, or, if they fail to do so, group leaders must be made to answer for the acts of their members.

One of the major challenges to the protection of civilians in situations of armed conflict is humanitarian access, given the obstacles and climate of insecurity and violence. We urge all parties to respect international humanitarian law and, as a matter of priority, to guarantee the security of humanitarian personnel and ensure conditions for the rapid delivery of aid to civilians, including to refugee and internally displaced person camps, through humanitarian corridors.

The role of peacekeeping operations in the protection of civilians is, by now, well established. It is therefore now necessary to equip them with clear, credible and realistic mandates supported by the necessary logistic and financial resources, including predeployment training on relevant legal norms for contingents. These mandates must also be flexible, so that they can be carefully reoriented to respond to the situation on the ground and to protection needs.

Given the multisectoral nature of the protection of civilians, it is imperative to improve coordination between the Office for the Coordination of Humanitarian Affairs, the Department of Peacekeeping Operations, the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Representative on sexual violence to be appointed and all other partners on the ground, in order to meet the urgent needs of civilians.

Other complementary actions must be undertaken. For example, there is a need to improve the synergy of actions by means of an inclusive and participatory mechanism of communication and information-sharing among the United Nations, States and civil society. Moreover, a structured analysis of the problems would make it easier to examine the issue in a comprehensive and coherent way, drawing on the relevant elements in the aide-memoire.

Given the intrinsic responsibility that falls to the Security Council, this body must ensure that its resolutions and international humanitarian law are observed and must speak with a united voice in all instances of serious violations. It must emphasize mediation by calling protagonists to a frank dialogue that can be carried out in a climate of security and mutual trust. It must establish independent commissions of inquiry to establish the facts in cases of serious violations and prosecute perpetrators before the appropriate international judicial body. It must intervene systematically from the first signs of armed conflict, deploying peacekeeping operations as soon as possible so as to limit damage. The prevarications throughout the Rwandan genocide must serve as an example for us here.

In conclusion, we wish to express our satisfaction with the United Nations system, as well as with regional and subregional organizations, for their efforts. We welcome the adoption on 23 October 2009 of the African Union Convention on the Protection of and Assistance to Internally Displaced Persons in Africa. This unique convention is a binding legal and institutional framework requiring States to take appropriate measures to prevent and eliminate the deep-rooted causes of forced displacement. The Kampala Declaration of principles on this issue specifically commits States to fight impunity by ensuring individual responsibility for arbitrary displacement, pursuant to domestic and international criminal law. We wish also to thank the personnel of peacekeeping operations and the humanitarian community, who work on a daily basis side by side

with the civilian population, sometimes paying with their lives.

The resolution that we have just adopted will enable all parties concerned better to understand the consequences of this human tragedy and to assume their responsibilities to protect human rights in periods of armed conflict.

The President: I now give the floor to the representative of China.

Mr. Zhang Yesui (China) (*spoke in Chinese*): At the outset, I wish to welcome your presence at the Security Council, presiding over this open debate. I should like to thank Secretary-General Ban Ki-moon, Under-Secretary-General Holmes and Deputy High Commissioner for Human Rights Kang for their briefings.

This year marks the tenth anniversary of the Council's discussion of the protection of civilians in armed conflict. Over the past decade, the Council has been paying ever greater attention to the protection of civilians and has made positive efforts to deal with this issue. However, with the changes in the nature of armed conflict and the effects of various complicated factors, large numbers of civilians in many regions of the world continue to be harmed by armed conflicts. Thus the international community continues to face an uphill struggle in addressing the protection of civilians.

We are deeply concerned over the threat and harm to the lives and property of civilians in situations of armed conflict. We urge parties to conflicts to comply with international humanitarian law and relevant resolutions of the Security Council and to protect the lives, property and legitimate rights and interests of civilians. We are in favour of strengthening the Council's efforts in this regard.

The issue of the protection of civilians involves many aspects and is very complex indeed. The countries concerned, relevant international agencies of the United Nations and regional organizations should make the most of their strengths and expertise, working in a concerted manner to respond to this issue together.

The Security Council bears primary responsibility for the maintenance of international peace and security and, as such, it is duty bound to keep the protection of civilians in armed conflict on its agenda and to deal with it accordingly. The Council must tackle this issue at its root, devoting greater attention to preventing and containing conflicts. At the same time, it is necessary to make sure that this issue is addressed within the overall framework of political processes aimed at the peaceful resolution of conflicts.

Primary responsibility for the protection of civilians lies with national Governments. When providing assistance, the international community and external organizations must comply with the provisions of the Charter of the United Nations, fully respect the will, sovereignty and territorial integrity of the country concerned, and refrain from forceful interference. Dialogue between the United Nations and non-State armed groups may be helpful in the protection of civilians, but such dialogue should be conducted within the general framework of cooperation between the United Nations and the country in question and with the consent of its national Government.

With regard to the question of impunity, we support the leading role played by the domestic judicial system of the country concerned as the main avenue for achieving justice. The international community has, over the years, developed a relatively complete system of international legal norms. The 1949 Geneva Conventions and their 1977 Protocols provide a comprehensive and systematic regime for the protection of civilians in armed conflict. However, in the reality of today's world, many provisions are yet to be fully respected and observed. Therefore, the pressing issue is to ensure the comprehensive, just and effective implementation of the existing norms. In this context, the competent United Nations entities and international treaty bodies should continue to play their important roles.

The Council has adopted many resolutions and presidential statements on the protection of civilians in armed conflict. The priority for the next stage should be to push forward the effective implementation of these documents.

Tasking United Nations peacekeeping missions with the protection of civilians is a decision that the Council takes on a case-by-case basis. We are of the view that a mandate to protect civilians should be prepared in the light of real need, taking fully into account the situation on the ground and the existing capacities and conditions of a given peacekeeping mission. A one-size-fits-all approach is not advisable. We attach great importance to the protection of civilians, but we are not in favour of indiscriminately

expanding such mandates while ignoring real-world conditions and the physical viability of implementing such mandates.

It is necessary to emphasize that the key to ensuring a successful peacekeeping mission is adherence to the three principles governing peacekeeping operations, namely established local consent, mission neutrality and the non-use of force except in self-defence. Any deviation from these principles in implementing a mandate to protect civilians would only create more controversy and problems than it could solve, and could even jeopardize the overall peacekeeping process.

In addressing the mandate to protect civilians in armed conflicts, the efforts of the Council alone are far from adequate. Tackling the problem through its symptoms, while ignoring the root causes of a conflict, will not contribute to finding a lasting solution to the protection of civilians. Today, most conflicts take place in the less developed areas of the world. The United Nations should mobilize world resources and provide the relevant countries with financial and technical assistance to help them to develop their economies, free themselves from poverty and thereby avoid conflicts.

We hope that the General Assembly, the Economic and Social Council, the United Nations Development Programme, the World Bank and other international institutions and regional organizations will play a part in assisting the countries concerned in areas such as economic development, conflict resolution and the protection of civilians. We also welcome non-governmental organizations playing a more positive role in that regard.

The President: I now give the floor to the representative of Turkey.

Mr. Apakan (Turkey): At the outset, I wish to thank Secretary-General Ban Ki-moon, Under-Secretary-General Holmes and Deputy High Commissioner for Human Rights Kang for their comprehensive statements.

I would like to thank the Austrian presidency for organizing this high-level meeting. We also commend it for building consensus on resolution 1894 (2009), which marks the tenth anniversary of the initial consideration of the protection of civilians in armed conflict in the Council as a thematic issue. Unfortunately, not a single day has passed in those 10 years without a civilian casualty in armed conflict or without civilians being targeted. We should react to such deliberate attacks. Indeed, we can say that the international community is still failing to provide security to civilians in armed conflict.

The issue of the protection of civilians has been a priority topic on the agenda of the Council in recent years, especially since the beginning of this year, given the atrocities and human rights violations in different parts of the world, in particular Gaza.

The Secretary-General's recent report (S/2009/277) gives us a comprehensive account of the latest situation in protecting civilians in armed conflicts. The report indicates the difficulties and challenges for the future. However, recent developments offer hope as well. The adoption over the past months of Security Council resolution 1882 (2009) on children and armed conflict, as well as resolutions 1888 (2009) and 1889 (2009) on women and peace and security, indicates an important evolution in protecting civilians in armed conflicts.

In the light of those developments, we are pleased that the Austrian presidency has broadly included the peacekeeping aspect in the resolution. We attach a high priority to peacekeeping, peacemaking and peacebuilding issues, as demonstrated during our presidency of the Council. Naturally, the resolution represents a balance and does not change the fact that there are issues of a very sensitive nature that run the risk of undermining or weakening our efforts if not addressed carefully.

In that vein, I would like to emphasize four points. The first concerns non-State armed groups. Given the inevitable ambiguity of that term and the many different kinds of entities that fall into that category, we believe that one should be extremely careful in dealing with such groups. That is particularly important as many terrorist organizations attempt to abuse the term and what it entails in their quest to gain international attention and support.

Secondly, combating terrorism is both the right and the obligation of every State. Nothing should be allowed to weaken our resolve to fight that scourge. The activities of terrorist organizations themselves put the lives of civilians in danger. Thus, international organizations, and non-governmental organizations in particular, should be vigilant in conducting their work

in conflict areas and not allow themselves to be exploited by such groups and organizations.

Thirdly, as a troop- and police-contributing country to United Nations peacekeeping operations, we wish to see more emphasis on the peacekeeping aspect of this issue in the future. We look forward to a further debate within the United Nations system on the independent study commissioned by the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations on the protection of civilians in the context of United Nations peacekeeping operations, which was released recently.

To that end, we hope that regional ownership and cooperation will become a priority. Likewise, we believe that the issue of cultural differences and sensitivities should be taken into consideration in predeployment training for peacekeeping operations by all States. In that vein, the imbalance between well-funded peacekeeping operations in some areas where armed conflict has ended and other operations that need urgent strengthening should also be immediately addressed.

Fourthly, I would like to stress that it is in fact by strengthening the rule of law, human rights, democracy and good governance that we can secure the long-term and lasting protection of civilians. Those should be our main goals for the future.

The President: I now give the floor to the representative of Uganda.

Mr. Lukwiya (Uganda): We thank you, Mr. President, for organizing this important debate on the protection of civilians in situations of armed conflict. We also thank the Secretary-General, Mr. Ban Ki-moon; the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mr. John Holmes; and the Deputy High Commissioner for Human Rights, Ms. Kyung-wha Kang, for their succinct and very informative briefings this morning.

The year 2009, apart from being the sixtieth anniversary of the 1949 Geneva Conventions, together with their Additional Protocols, also marks 10 years since the Security Council's adoption of its resolution 1265 (1999) on the protection of civilians.

Uganda remains concerned that civilians still account for the vast majority of casualties during situations of armed conflict. Civilians continue to be targeted by parties to conflicts and subjected to indiscriminate attacks and other forms of violations, such as forced displacement, sexual violence, forced conscription, indiscriminate killings, mutilation, maiming, hunger, disease and loss of livelihood. The impact of those violations lingers on long after active combat has ended. Sixty years of attempts at understanding the concept of the protection of civilians in armed conflict is a long period of time, especially for the innocent civilians who wake up every day confronted by those threats.

The proliferation and fragmentation of non-State armed groups contribute to the complex nature of most conflicts. Such groups do not subscribe to or even realize their obligations under international law to protect civilians, but instead view them as human shields to fortify their numbers and gratify their social needs. Of even greater concern is that most civilians caught between warring parties for the most part remain ignorant of their rights under international law, being more concerned with simply trying to stay out of the crossfire and to distinguish between friend and foe.

Resolution 1894 (2009) reaffirms those obligations and calls upon States emerging from armed conflict to prioritize security sector reform and independent national judicial systems, and to take all feasible steps to empower their populations through the dissemination of information, education and training on the rights and responsibilities of civilians in situations of armed conflict. However, experience has shown that such States cannot rebuild national institutions on their own, and therefore require support from the international community. The new resolution (1894 (2009)) covers important areas that are often taken for granted. It recognizes the need for safeguards for vulnerable people, especially women, the elderly, the disabled, and children, the civilians envisaged in such terminology. In addition, the resolution addresses the important component of refugees and internally displaced persons.

Uganda is encouraged by the attention this resolution gives to the proliferation and destabilizing effects of small arms and light weapons, as well as to the devastating impact of landmines and explosives left after war. Even more significant for us is the recognition of the needs of persons with disabilities as a vulnerable group arising out of the indiscriminate use of these weapons. Uganda calls upon all subregional and regional organizations, civil society organizations

and Member States to come to the aid of these people and to take initiatives aimed at the clearance and removal of unexploded ordnance and at educating civilian populations about the dangers it poses.

Of the 26 million documented internally displaced persons worldwide, 11.6 million are in Africa. Today's resolution notes the recent adoption of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa at a summit held in Kampala on 23 October. Now known as the Kampala Convention, it is an important milestone in addressing the root causes of conflict in Africa. The Convention provides a legal framework for promoting and strengthening regional and national measures to prevent, mitigate, prohibit and eliminate the root causes of internal displacement.

My delegation also welcomes the Council's recognition of the need to address the issue of HIV and AIDS as an important component of national predeployment training information for peacekeeping troops, as well as for personnel involved in peacemaking, peacekeeping and peacebuilding activities. It is imperative to point out that HIV and AIDS present a constant risk for populations, not just during times of peace but even more so during times of conflict. Soldiers are a high-risk group for HIV infection during their deployments and can unknowingly spread it as they are transferred from one location to another.

Long after the guns have gone silent, affected populations, many of whom end up losing everything, are left to pick up the pieces with no assistance, even from friendly forces. International law does not provide for making amends to individuals who lose property or livelihood as a result of armed conflict. Today's resolution calls for national reparation programmes for victims as well as institutional reforms. However, my delegation would like to go a step further and also recognize the need for all parties to armed conflict to emphasize the dignity of civilians by recognizing losses that result from lawful combat operations, as well as providing meaningful amends to affected individuals and communities, such as financial assistance or funding for humanitarian aid programmes. My delegation encourages all Member States to embrace the concept of making amends, not because there is any legal obligation to do so, but simply in the interests of mitigating suffering and promoting humanity. That has been the policy of the Uganda People's Defence Forces (UPDF) and continues to be implemented by UPDF troops serving in the African Union Mission in Somalia.

In conclusion, we thank the delegation of Austria for spearheading the drafting of the resolution that we have just adopted.

The President: I now call on the representative of Mexico.

Mr. Heller (Mexico) (*spoke in Spanish*): We would like to thank the Government and delegation of Austria for convening this meeting, which reflects the commitment of the United Nations to strengthening international humanitarian law in order to protect victims of armed conflict. We would also like to thank the Secretary-General for his detailed report, as well as Mr. John Holmes, the Under-Secretary-General for Humanitarian Affairs, and Ms. Kyung-wha Kang, the Deputy High Commissioner for Human Rights.

Mexico attaches a great deal of importance to this topic, and we commend the Security Council for the work it has done in this area over the past decade. In particular, we welcome the recent adoption of resolutions 1882 (2009), 1888 (2009) and 1889 (2009), to which we can now add the resolution adopted today (1894 (2009)), which will no doubt revitalize the protection in armed conflict of civilians, especially the most vulnerable groups, such as women and children.

The improvements that have been made to legislation and to international bodies of standards help better to define the concepts relating to the protection of civilians in armed conflict and are undoubtedly important. However, despite good intentions, we have not gone beyond the realm of theory. Sadly, the situation on the ground gets worse by the day. That is why it is essential that we achieve a better connection between theory and practice, in order to avoid situations where civilians become the chief victims of violence during armed conflict. We should emphasize that lack of adherence to the standards of international humanitarian law, as well as the imperfect interpretations of the law made by the parties to armed conflict during that conflict, result in serious violations of those laws that may constitute war crimes and fall within the jurisdiction of the International Criminal Court. For these reasons, it is essential to establish a strategy based on three pillars: first, enforcing compliance with international humanitarian law; secondly, strengthening the work of humanitarian

organizations; thirdly, improving accountability, in order to put an end to impunity.

International humanitarian law must be complied with, regardless of the type of armed conflict in question. The four Geneva Conventions of 1949, their Additional Protocols and other instruments of international humanitarian law, as well as customary international law, form a solid foundation of principles and norms that protect the life and dignity of all those who no longer participate in hostilities or who never have. We call on those States that have not yet done so to accede to all international instruments in the area of international humanitarian law, and on the parties to conflicts to comply with their international obligations. We know very well that the obligation to respect international humanitarian law cannot be fulfilled without due implementation, at the national level, of these international obligations. This is why we would also urge States to incorporate these standards and principles in their national legislation and practices.

It is clear that denying or blocking humanitarian assistance exacerbates the situation of populations in armed conflict. When humanitarian assistance is inadequate, given the cross-cutting nature of this topic, peacekeeping missions and the specialized agencies of the United Nations in conflict areas carry out the essential task of protecting civilians, and this should be acknowledged.

We also acknowledge the work carried out by humanitarian institutions, in particular the International Committee of the Red Cross, and by civil society, especially with respect to the delivery of humanitarian assistance and the importance of guaranteeing safe, timely and unimpeded access to humanitarian assistance in conflict and complex emergency situations.

Access of humanitarian assistance to civilians in armed conflict is a topic to which we attach particular importance, as it is a sine qua non for protection. As Mexico indicated during the debate in January (see S/PV.6066), my delegation would like to reiterate our disagreement with interpretations that can restrict or exclude human dignity in complex situations and that favour positions that set this humanitarian principle against the principle of sovereignty.

When violent acts are committed against civilians and other persons protected in situations of armed conflict, justice must be done in order to put an end to the impunity of the alleged perpetrators of serious crimes or those ordering them to be committed in contravention of international law. The existence of the International Criminal Court and its complementary role vis-à-vis national jurisdictions should not only serve as an incentive to strengthen national justice systems, but also represent an effective mechanism for dealing with crimes when national judiciary structures have disappeared as a result of conflict. That is why it is important to achieve the universality of the Rome Statute.

In conclusion, it is important to reflect on the progress achieved and on the challenges to come, in order to consolidate a culture of respect for the principles and standards of international humanitarian law and to eradicate impunity. The resolution that we adopted this morning is a significant step in that direction.

I would like to conclude by saying that this reflection should lead us to face and overcome the entrenched political interests that often prevent full compliance with the obligations that flow from international law, prevent rapid and resolute action to deal with humanitarian crises and prevent accountability in the face of flagrant impunity. We can begin to move towards this goal by ensuring prompt follow-up to the recommendations contained in the relevant reports of the Secretary-General and the decisions adopted by the Security Council and other United Nations organs, with a view to ensuring their full implementation. When this does not occur, robust measures should be adopted to guarantee international peace, justice and security.

The President: I shall now make a statement in my capacity as Minister for European and International Affairs of Austria.

At the outset, I would like to thank the Secretary-General and all other speakers for their presentations. The numerous challenges in the protection of civilians highlighted today show the urgent need to intensify our efforts. The protection of civilians is central to the mandate of the United Nations and the mandates of its peacekeeping missions. It is of the utmost importance that Security Council mandates for the protection of civilians are effectively implemented by missions on the ground. This requires that the Council address the protection of civilians in its daily work in a systematic manner.

Austria aligns itself with the statement to be delivered by the representative of Sweden on behalf of the European Union. Let me just add a few additional points.

All parties to armed conflict must strictly comply with their obligations to protect civilians under international law. This applies to all parties in any conflict in the world, be it in the Democratic Republic of the Congo, Darfur, Afghanistan or Gaza. Austria has reaffirmed on several occasions its position that serious violations of international humanitarian and human rights law need to be thoroughly investigated. Accountability for serious crimes must be ensured by taking concrete measures to promote the rule of law, prevent future violations and seek sustainable peace, justice, truth and reconciliation. This requires action at the national and — where necessary — international levels. The Security Council has an important role in ending impunity.

Austria is also greatly concerned about the detrimental effects of small arms and light weapons on civilians. They prolong conflicts, they endanger civilians and they undermine security, peace and stability. Parties to armed conflict need to take all required measures to protect civilian populations from the effects of landmines and cluster munitions. Victims require enhanced protection and assistance.

Persons with disabilities are particularly affected by armed conflict and have so far not received adequate attention. The United Nations system has to address more effectively the protection and assistance needs of this vulnerable group.

It is clear that the primary responsibility to protect civilians rests with national Governments. This is reaffirmed by the concept of the responsibility to protect civilian populations from war crimes, crimes against humanity and genocide. The Security Council, as the United Nations organ with the primary responsibility for the maintenance of international peace and security, has an important role to play. The focus must be on saving lives through timely and decisive action taken at the national, regional and international levels.

We look forward to continuing this important debate on the protection of civilians, and I would like to underscore Austria's full commitment to working with other Council members and all relevant stakeholders to implement resolution 1894 (2009), adopted today, in order to ensure the protection of those who are most vulnerable in situations of armed conflict.

I now resume my function as President of the Council.

I now invite the representative of Sweden to take the floor.

Mr. Lidén (Sweden): I have the honour to speak on behalf of the European Union. Croatia, the former Yugoslav Republic of Macedonia, Albania, Bosnia and Herzegovina, Montenegro, Iceland, Ukraine, the Republic of Moldova, Armenia and Georgia align themselves with this statement.

Let me first thank Austria for organizing this debate, which marks the tenth anniversary of the beginning of the Security Council's work on the protection of civilians. Let me also commend the Secretary-General for his statement today and for his leadership on this important issue. The European Union welcomes resolution 1894 (2009), just adopted, in particular its emphasis on clarifying the role of peacekeeping missions in the protection of civilians.

In the past 10 years, the protection of civilians in armed conflict has assumed a prominent place on the Council's agenda. This prominence has been manifest in regular open debates and by increased inclusion of the protection of civilians in country-specific deliberations and decisions. However, the reality on the ground has not kept pace, and lip service to principles is no substitute for real action. The European Union joins calls for much greater efforts to turn rhetoric into reality.

The lack of compliance with international humanitarian law and human rights law leads to the death and injury of thousands of civilians every year and to the displacement of many more. We must enhance respect for these standards by all parties to armed conflicts, with particular attention given to the protection of civilians.

The Council needs to systematically promote compliance with international law in situations on its agenda, and also in situations not formally on its agenda but with dramatic impact on the protection of civilians. The Council should consider imposing targeted and graduated measures against parties to armed conflict that violate applicable international law. Furthermore, we must enable relevant actors to engage

and seek compliance by all parties to conflict, including non-State armed groups.

Regrettably, in many conflicts, impunity prevails due to the lack of political will and action. The culture of impunity in many conflicts allows violations to continue to be committed. Violations of international humanitarian law and human rights law must have consequences for the perpetrators. All measures, including strengthened national legislation, should be used to prevent violence and to bring perpetrators of serious violations to justice.

The European Union calls for the ratification of the Rome Statute of the International Criminal Court and for full cooperation with the Court by all States. We also welcome and support the steps to implement the responsibility to protect set out in the Secretary-General's report (A/63/677), the subsequent General Assembly debate and its adoption of resolution 63/308. The concept of responsibility to protect has to be integrated into our overall normative framework.

Peacekeeping operations continue to make significant contributions to the safety and security of civilians. The Expert Group and the aide-memoire on the protection of civilians have further contributed to systematic and consistent attention to the issue in their mandates. The challenge now is to maximize the impact by addressing the gaps between mandates, interpretations and implementation capacity.

Mission-specific protection strategies need to be developed on a systematic basis. The capacity and resources provided need to be genuinely appropriate to the task of protecting civilians. The provision of information and reports to the Council needs to be enhanced, and missions on the ground need clear and practical guidance on implementing protection mandates. The European Union looks forward to engaging with the Secretariat and Member States, in particular the main troop- and police-contributing countries, on the development of these operational guidelines as part of the next steps in the New Horizon process.

The European Union calls for the implementation of resolutions 1325 (2000), 1612 (2005), 1820 (2008), 1889 (2009) and 1888 (2009), mandating peacekeeping missions and all other relevant actors to take effective measures to protect women and girls, as well as boys and men, from sexual violence in armed conflict. We look forward to the Secretary-General's appointment of a special representative to lead concerted international action against sexual violence.

Humanitarian actors carry out life-saving protection activities in all complex emergencies. However, as highlighted by the Secretary-General, humanitarian access to populations affected by conflict is too often unsafe and impeded. Millions of vulnerable people are deprived of assistance and protection as a result.

The most worrying constraint on access stems from violence against humanitarian staff. There has been an alarmingly sharp rise in attacks affecting United Nations and other humanitarian actors this year. United Nations humanitarian workers are for the first time being targeted for political reasons. The European Union strongly condemns all attacks against humanitarian workers, including against locally recruited personnel. These incidents will not disappear without concerted action. It is critical to broaden the understanding and acceptance of independent, neutral and impartial humanitarian action.

The European Union joins the call by the Secretary-General to seize the opportunity afforded by this anniversary of the protection of civilians to turn words into action. Let me reassure the Security Council of the European Union's continued commitment to and active engagement in enhancing the protection of civilians.

The President: I now call on the representative of Italy.

Mr. Ragaglini (Italy): Mr. President, I wish to thank you for taking the initiative of convening today's high-level debate on this important anniversary and for your delegation's important work in negotiating resolution 1894 (2009) adopted earlier today. Italy was glad to join the list of sponsors. I also wish to express my appreciation to the Secretary-General for providing us with a complete picture of the progress achieved and of ongoing concerns in the protection of civilians in armed conflicts.

Italy fully aligns itself with the statement delivered by the representative of Sweden on behalf of the European Union. I will now touch on some points of particular interest to my country.

Ending sexual violence in situations of armed conflict is a key element of the protection of civilians agenda. The Security Council has shown great

leadership in this regard in the last year and a half, starting with the adoption of landmark resolution 1820 (2008), which stated once and for all that sexual violence, when used as a tactic of war, is a matter of peace and security and therefore the business of the Security Council. Resolution 1888 (2009), adopted in September, is another important step forward, as it provides the Council with effective new tools designed to end impunity and to hold accountable the perpetrators of these heinous crimes. It is now up to the Council to use these tools and to implement these resolutions in full and without delay. In this respect, the Secretary-General's early appointment of a special representative for women, peace and security will provide much-needed leadership, coordination and advocacy in this field.

Turning now to peacekeeping, the protection of civilians by United Nations Blue Helmets requires, in our opinion, three elements. First, it needs guidelines, by which I mean the instructions and principles that should inform peacekeeper actions on the ground when civilian lives are at risk. In this respect, we encourage the Secretariat's efforts to craft a policy over the next few months that is shared by Member States.

Secondly, training should be standardized and based on the aforementioned guidelines. It should address the ability to manage crisis situations that pose a threat to the lives of civilians, particularly women and children. Italy is cooperating with the Secretariat in this area through its Centres of Excellence. In this spirit, it has helped to finance some Police Division projects.

Thirdly, equipment is essential. Guidelines and training should be accompanied by resources that enable peacekeepers to protect civilians effectively and securely.

I would also like to recall Italy's commitment to combating impunity for international crimes. In situations where any civilian population is the target of attacks, the Rome Statute of the International Criminal Court provides the legal basis for holding accountable those responsible for the attacks if a State is unwilling or unable to do so. In this regard, we must reiterate our commitment to ending impunity.

International criminal jurisdiction should thus be increasingly viewed as a complementary instrument in the repression of international crimes. It is the States, by adapting their laws and jurisdictions, that should be the first to respond to serious breaches of law, such as war crimes and crimes against humanity, committed in their territories. At the same time, it is up to States — in collaboration with the International Committee of the Red Cross and other competent institutions on this issue — to raise awareness of the basic principles and the importance of international humanitarian law, especially in armed forces.

Allow me to conclude, on a more general note, by recalling the reaffirmation in resolution 1674 (2006) of the principle of the responsibility to protect, which is a cardinal achievement of the United Nations. I also welcome the reference to that principle made in resolution 1894 (2009), adopted by the Council today. That principle implies that sovereignty brings special responsibilities. Governments must protect their own populations, and the best way for them to do so is to promote human rights, the rule of law and democratic governance.

Only when a Government manifestly fails to do so should the international community intervene. The responsibility to protect should not be perceived in a confrontational manner; it should be seen, instead, as an instrument available to the international community to overcome crises, provided that the conditions referred to in paragraphs 138 and 139 of the 2005 World Summit Outcome Document (General Assembly resolution 60/1) are met. In that context, we welcome the debate that took place in the General Assembly in July on the report of the Secretary-General (A/63/677). We look forward to the follow-up during the current session.

The President: There are still a considerable number of speakers remaining on my list for this meeting. In view of the lateness of the hour, I intend, with the concurrence of the members of the Council, to suspend the meeting until 3 p.m.

The meeting was suspended at 1.05 p.m.

United Nations S/PV.6216 (Resumption 1)

Security Council

Sixty-fourth year

Provisional

6216th meeting

Wednesday, 11 November 2009, 3 p.m.
New York

President:	Mr. Mayr-Harting/Mr. Ebner	(Austria)
Members:	Burkina Faso	Ms. Fofana
	China	Ms. Li Xinyan
	Costa Rica	Mr. González
	Croatia	Ms. Kožar
	France	Ms. Gasri
	Japan	Mr. Kimura
	Libyan Arab Jamahiriya	Mr. Elshakshuki
	Mexico	Mr. Heller
	Russian Federation	Ms. Khvan
	Turkey	Mr. Ünal
	Uganda	Mr. Kafeero
	United Kingdom of Great Britain and Northern Ireland	Mr. Saltonstall
	United States of America	Mr. DeLaurentis
	Viet Nam	Mr. Dan Hoang Giang

Agenda

Protection of civilians in armed conflict

Letter dated 2 November 2009 from the Permanent Representative of Austria to the United Nations addressed to the Secretary-General (S/2009/567)

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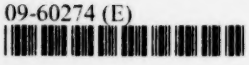
09-60274 (E)



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The meeting resumed at 3.10 p.m.

The President: I should like to inform the Council that I have received letters from the representatives of Armenia, Benin, Cyprus, the Islamic Republic of Iran and Rwanda, in which they request to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, the representatives of the aforementioned countries took the seats reserved for them at the side of the Council Chamber.

The President: I wish to remind all speakers, as was indicated at this morning's meeting, to limit their statements to no more than five minutes, in order to enable the Council to carry out its work expeditiously. Delegations with lengthy statements are kindly requested to circulate their texts in writing and to deliver a condensed version when speaking in the Chamber.

I now call on the representative of Liechtenstein.

Mr. Wenaweser (Liechtenstein): Mr. President, I thank your delegation for organizing and preparing in a very thorough manner for this open debate on the occasion of the tenth anniversary of the first thematic resolution adopted by the Security Council on this topic. On the one hand, we have reason to celebrate. We have achieved significant conceptual and institutional progress in recent years with the establishment of an Expert Group, the updating of the aide-mémoire (S/PRST/2009/1, annex) and the inclusion of an annex on humanitarian access in the report of the Secretary-General (S/2009/277). Furthermore, and most important, we have agreed on our common responsibility to protect civilians both in times of armed conflict and otherwise. On the other hand, the glaring gap between the normative framework and the realities on the ground remains; compliance with the existing standards is still far from satisfactory.

The protection of civilians is a complex area covering a very wide range of topics, as reflected in the resolution adopted this morning. Civilian protection poses a central challenge to the Council. The manner in which it responds to that challenge is an essential yardstick by which its overall performance is measured. The events in Rwanda and Srebrenica count among those that have had the strongest and most lasting impact on the public perception of the Council. Thinking of new ways to enhance its role in the protection of civilians is thus the most appropriate contribution to a meaningful commemoration.

This year, we are also celebrating the sixtieth anniversary of the adoption of the Geneva Conventions, the centrepiece of the protection of civilians in armed conflict. However, instead of steady progress over the decades towards full compliance with the existing standards of international humanitarian law, we are witnessing the continued erosion of respect for international humanitarian law. The report of the Secretary-General before us rightly identifies the need for stronger engagement with non-State actors as an essential element for better compliance. An additional element is the consistency with which this agenda is addressed. The Council must make it very clear that the relevant standards are applicable in any armed conflict, under any circumstances and irrespective of the background of military action.

Furthermore, compliance with international humanitarian law will be enhanced if the parties to the conflict know that violations will entail consequences. In particular, the Council should consider such consequences in cases in which civilian populations are directly targeted or humanitarian access is deliberately denied. It is our understanding that the reference in resolution 1894 (2009) to appropriate measures at the disposal of the Council includes targeted sanctions.

Where violations of international humanitarian law go routinely unpunished, a climate of impunity will prevail and lead to further violations. Accountability is therefore the other key element for ensuring compliance. We have made great strides in the area of international criminal justice through the establishment of international mechanisms and, most important, the International Criminal Court. We thus have the tools to effectively ensure accountability on a permanent basis. Those mechanisms should be put to good and consistent use.

The Council has already recognized its role in ensuring accountability and has done so again in adopting today's resolution. That role is much broader than considering the referral of situations to the International Criminal Court. Much to the contrary, the Council should demand accountability on a regular basis where there are credible allegations that the most serious crimes under international law have been committed. And it should make clear that it is first and foremost the responsibility of States to investigate and prosecute, and should urge parties to conflicts to do so where needed. There are numerous ways in which United Nations bodies can assist States where there is a need to build domestic capacities. But the Council must also ensure accountability where there is no willingness to investigate and prosecute on the part of the States that have jurisdiction or other parties to the conflict.

Today, there is largely clarity about the standards applicable to the protection of civilians, thanks also to the valuable work of the Secretariat. What we need for the next ten years and beyond are concepts and concrete measures to ensure implementation, as well as a consistent approach to the protection agenda, especially in cases in which that may seem difficult or inconvenient.

We therefore welcome the joint study submitted by the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations, as well as the parts of the resolution adopted today dealing with peacekeeping. We hope and believe that they can lead to concrete improvements. One of the key findings of the study is that the chain of events required to support the protection of civilians from the planning stages to practical implementation in the field is broken — an alarming finding that we must urgently address. Essential aspects for the future work of the Council include clear guidance provided in mandates and mission-wide protection strategies involving the country team and the host State, as well as, of course, the provision of the necessary resources.

In conclusion, we support the resolution as a promise of better and more effective mandates formulated by the Council, and we call for more consistent consideration of protection issues as tangible evidence of the Council's commitment to the protection of civilians.

The President: I now call on the representative of Norway.

Mrs. Juul (Norway): Women and children, innocent bystanders — civilians — who are caught up in armed conflict too often lack the effective protection to which they are entitled under humanitarian law. We can and must restore respect for and adherence to international humanitarian law. While the core principles of international humanitarian law are as valid as ever, the complexity of modern armed conflicts demands renewed reflection on the application of these principles in order to ensure adequate protection for civilians. Important lessons should be learned from relevant United Nations experience in the field and from States that have made their rules of engagement available to the public.

Resolution 1894 (2009), just adopted by the Council, makes clear that peacekeeping constitutes one of the most important means at the disposal of the United Nations to protect civilians in armed conflict. Indeed, we would add that protecting civilians is the core objective of peacekeeping.

In order to achieve this objective, the newly published study of the Department of Peacekeeping Operations (DPKO) and the Office for the Coordination of Humanitarian Affairs (OCHA) on protecting civilians in the context of United Nations peacekeeping operations points the way forward. It uncovers many of the existing gaps and provides clear recommendations on what needs to be done to achieve results on the ground. Overall, it is evident that protection of civilians mandates have yet to be matched by political resolve and resources, doctrine and clear operational guidance for peacekeeping personnel. Troop- and police-contributing-countries must internalize this issue in their national policies.

I would like to focus on three specific areas of concern: the lack of operational guidance and tailored training, the need for political will and leadership, and ensuring accountability and fighting impunity.

Clear guidance to peacekeeping personnel is needed on how to operationalize protection of civilians mandates. One area of particular concern is the protection of women and children from sexual violence. To our knowledge, not one national army has developed operational guidance to combat sexual violence in conflict. DPKO and national Governments

need to put in place such operational tools as a matter of urgency.

The overall lack of tailored training for troops required to address sexual violence is worrisome. It is a mistake to assume that women's and children's protection against sexual violence will come intuitively to soldiers trained in war-fighting. When peacekeepers confront a highly sensitive security problem they have never encountered in training, they are likely to make mistakes.

The international community also needs to deploy more uniformed female personnel. I take this opportunity to commend the efforts of the all-women Indian police contingent working in Liberia. They should be an inspiration to us all. A police force plays a leading role in a State's ability to protect its citizens. That is why Norway funds the development of a strategic doctrinal framework for international police peacekeeping, the purpose of which is to provide a consistent model for policing. This will help United Nations police as they seek to protect civilians and assist in building local police capacity.

We need to see stronger political will and leadership in demanding a response to sexual violence in conflict — from the field commander to the special representative of the Secretary-General and from the Secretary-General to the Security Council. This must be manifested in strong and specific mandates to ensure timely delivery and the deployment of resources. Some progress has been made. The Comprehensive Strategy on Combating Sexual Violence in the Democratic Republic of the Congo is a case in point. But such strategies will remain futile unless there is a mission-wide and, indeed, a society-wide commitment to implement them.

Fostering greater political will is one of the tasks of the soon to be appointed special representative of the Secretary-General on sexual violence in armed conflict. Norway calls on the Secretary-General to expedite the appointment of the special representative and urges all Member States to give strong political support to the new representative's work.

Where criminals in uniform are free to rape and murder, civilian criminals are often free to do the same. Impunity serves as an incentive for continued violence to soldier and citizen alike. Members of parties to conflict, from the lowest ranks to the commanding officer, are accountable and must be held accountable for their actions. The certainty of investigation, prosecution and punishment is vital to preventing and protecting civilians from abuse. Justice alone can show would-be perpetrators that civilian lives matter.

In concluding, let me echo the DPKO/OCHA report by adding a word of caution. Peacekeeping operations cannot protect everyone from everything. The protection of civilians requires not only a mission-wide or a United Nations-wide strategy; it requires a partnership between all those present in the field, including the host Government. Ultimately, it requires a culture of respect for human rights and the principles of international humanitarian law.

The President: I call on the representative of Brazil.

Mrs. Dunlop (Brazil): I join other delegations in thanking the Austrian Minister for Foreign Affairs and other ministers for their presence in the Security Council this morning. The high-level representation of many delegations on the Council this morning reflected the great importance of the theme we are here to discuss. I thank the Austrian delegation for the concept paper prepared for this debate (see S/2009/567). I also thank the Secretary-General; Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator; and Ms. Kyung-wha Kang, Deputy High Commissioner for Human Rights for their informative briefings.

Giving peacekeeping missions appropriate protection mandates is important from both a moral and a pragmatic viewpoint. The United Nations simply cannot stand by as atrocities are committed against innocents. The greatest crises of legitimacy in the history of peacekeeping have arisen when the Organization has failed to protect civilians in their hour of direst need. Moreover, a mission's success depends to a large extent on its ability to earn the trust of the local population. This will not be achieved if the Organization is perceived as either unwilling or unprepared to stop atrocities against civilians.

In the 10 years since the adoption of resolution 1265 (1999), we have succeeded in building a consensus around the central aspects of the protection of civilians. No one disputes the primary role and responsibility of national Governments in protecting their own civilians. At the same time, we recognize the multifaceted role the United Nations may be called upon to play in helping to protect non-combatants in

accordance with international law and the Charter. The considerable normative guidance we have already developed in this area must now be further translated into concrete improvements in the protection of civilians on the ground, as indicated by the Secretary-General in his May report (S/2009/277).

The independent study commissioned by the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs seeks to address many of the current gaps in implementation. My delegation considers that it contains several ideas and recommendations worth discussing in depth. Today I wish to focus on one specific issue of particular relevance, namely, mandate-setting.

Mandates must be clear enough so that peacekeepers on the ground, especially commanders, understand precisely what is expected of them, without hampering the autonomy that leaders in the field require to do their jobs properly. When it comes to the protection of civilians, assigning vague tasks leads either to underperformance and the loss of lives that could have been saved or to excessive ambition and inevitable disappointment.

Mandates must also be realistic. This requires the Council to make often difficult choices and decide what is feasible and what is not, especially from the military and political viewpoints. It must also bear in mind the question of resources, without prejudice to the functions and powers of the General Assembly. In this regard, two opposite and grave errors must be avoided. The first is setting protection mandates the fulfilment of which would require human, logistic and financial resources unlikely to be made available to the Organization. The second is to place budgetary considerations above moral and political imperatives.

There must also be coherence and solidarity. On the one hand, Member States that set mandates in the Council must be ready to face the financial consequences of their decisions in the General Assembly; on the other, all Member States must cooperate in the Assembly to secure the means that will allow the Council to properly discharge its responsibilities under the Charter.

Clear and realistic mandates are important to managing expectations. We must be frank and recognize that the United Nations cannot protect all people from every danger all the time. To suggest that it can, through the adoption of overambitious and imprecise mandates, is a recipe for disorientation among Blue Helmets, deep disappointment among victims and damaging criticism for the Organization.

Protection mandates must also address the particularities of the situation in question. The nature and the gravity of the challenges to protecting civilians vary greatly from one mission to the other. The tools to use and the manner in which they are handled must be considered carefully in each case. One-size-fits-all approaches must certainly be avoided.

The protection of civilians must be seen as a cross-cutting preoccupation in mandates and not just as a discrete set of military tasks. Protection concerns should also be addressed through an appropriate linkage between peacekeeping and peacebuilding, as well as through preventive activities related to the root causes of conflict.

In order to achieve our goals in a sustained manner, we must move beyond protecting individuals. We must help protect societies. Although the immediate task will often be defending persons and groups from actual aggression, peacekeepers must contribute to laying the foundations for fostering justice, security and opportunity for all. In the long term, strong institutions, economic growth and social inclusion are indispensable pillars of protection.

The President: I give the floor to the representative of Australia.

Mr. Quinlan (Australia): I thank you, Sir, for convening this very important debate today. Today, of course, is Remembrance Day, when many of our countries honour those who fought in the wars of the twentieth and the twenty-first centuries, including those who fought in United Nations and other peacekeeping missions. On this date, 11 November, in 1918 the First World War ended. Almost 20 million people died in that war, 7 million of them civilians. The seeds of that war bred a second, far worse conflict. At least 70 million people died in the Second World War — the deadliest war ever — and at least 50 million of those were civilians. It is right and responsible that we should meet to debate the protection of civilians on this particular day.

We commend the Council for its hard work on resolution 1894 (2009), which has been adopted today, and we are grateful for that work. The protection of civilians is, of course, a broad topic, so I will focus my

statement today on improving the implementation of protection mandates by peacekeeping missions.

As we know, it has been 10 years since the Security Council first mandated the protection of civilians in a peacekeeping operation, the United Nations Observer Mission in Sierra Leone. We are pleased to see that this imperative is being considered systematically and routinely by the Security Council when mandating peacekeeping missions today. However, as acknowledged in the New Horizon non-paper and elsewhere, there still exists a significant gap between what the Security Council is mandating and what peacekeepers are able to do and capable of doing.

To address this gap, military and police personnel tasked to protect civilians clearly need appropriate guidance in order to implement protection mandates effectively. Appropriate guidelines that explain to peacekeepers what is expected of them in the field will obviously assist in identifying the resources and training required by peacekeepers, aid the formulation of and planning for a more effective and clearer mission mandate, and provide a framework against which mission success can be measured more accurately in the field and learned from. Guidelines will assist peacekeepers in the field by articulating a range of possible protection of civilians operationalization strategies that can be utilized.

The development of guidelines is even more critical for Member States that are in the process of developing their capacity to support their own regional peacekeeping operations. Australia is working with the African Union (AU) to strengthen African peacekeeping capacity through the development of such guidelines. The AU Commission, together with Australia, will host a symposium in Addis Ababa in March next year to assist with the AU's groundbreaking work on this issue. We hope that the symposium will not only be a valuable exercise for the African Union itself and my own country in improving understanding of how to implement these mandates, but that it will also contribute to broader dialogue amongst Member States.

Ensuring that peacekeepers in the field have the resources they need to fulfil protection mandates is critical. Without adequate resources, equipment and training to implement a mandate through the life cycle of a mission, the safety and security of the deployed peacekeepers, as well as the civilians they are tasked to protect, are obviously put at risk. The former force commander of the African Union-United Nations Hybrid Operation in Darfur, General Agwai, addressed this issue here in August, and identified the critical need for troops to have the right tools and to be well trained. The development of guidelines on the protection of civilians will provide a framework for determining the resources and the level of training required to implement that mandate successfully.

Finally, I would like to refer to the need to ensure that the lessons being learned in the field are captured and utilized to improve the implementation of protection of civilians mandates. The study independently commissioned and recently released by the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs is an important step towards drawing together lessons being learned in the field. We hope that the study will serve as the beginning of a serious conversation on the protection of civilians that needs to be carried out between the Secretariat, the Security Council, and troop- and police-contributing countries.

To help further that dialogue, on 8 December Australia and Uruguay will host here in New York a second workshop — following a first held in January — on the protection of civilians in peacekeeping operations. The workshop, we hope, will provide an opportunity for the stakeholders involved in peacekeeping operations, particularly the troop- and police-contributing countries, to provide their thoughts on the recommendations in the independent study, based, of course, on their practical experience in the field.

In order for United Nations peacekeeping to better protect civilians, clearly we must develop a common and better understanding of what we expect United Nations peacekeepers to do when they are required to implement these difficult mandates. Australia looks forward to participating in a much more substantial and serious dialogue on this imperative with other Member States.

The President: I give the floor to the representative of Finland.

Mr. Viinanen (Finland): Finland attaches particular importance to this debate. It marks not only the tenth anniversary of the first consideration by the Security Council of the issue of the protection of civilians, but also a step forward with the adoption

earlier today of resolution 1894 (2009). We congratulate the Austrian presidency of the Security Council for its leadership in steering the work of the Council to ensure better protection for civilians in armed conflict.

I would like to make a few additional remarks apart from the statement already delivered by the representative of Sweden on behalf of the European Union, with which Finland fully associates itself. I would like to concentrate on expressing our strong commitment to the following three elements.

First, the fight against impunity is crucial in preventing violations of humanitarian and human rights law from happening in the first place. Secondly, children and women deserve special protection in times of conflict and the mechanisms established to that end need to be made operational as soon as possible. Thirdly, the New Horizon initiative is crucial in getting wide support from Member States for an enhanced protection role of the United Nations peacekeeping operations, so badly needed in many parts of the world.

Today, 60 years after their adoption, the Geneva Conventions have achieved universal recognition, but we are painfully aware that that has not ensured effective compliance with, or enforcement and implementation of, humanitarian law. Instead, those norms are all too frequently violated with impunity. We must strive to achieve universal compliance with the rules contained in the Conventions and their additional protocols. That includes establishing strong mechanisms of accountability in cases of violations. The price paid by the perpetrators or those who allow atrocities to occur should be as high as the price paid every day, for the rest of their lives, by the innocent victims of those violations. Effective and united action against impunity for such crimes sends a clear message: violations against civilians will not be tolerated.

Such actions are needed when a conflict is still going on but also when the parties come to the table to discuss peace and the question of amnesty and reconciliation. We need to be clear that there can be no sustainable peace without the rule of law and justice. Finland is a strong supporter of the International Criminal Court and is satisfied to see its first trial fully underway and a second one about to begin. We call once again on all Member States to ratify the Rome Statute in order to achieve its true universality.

We urge the Security Council to use all means at its disposal, including sanctions, to compel compliance by all parties with their obligations. We also wish to emphasize the role of the United Nations human rights machinery. The Security Council should continue to make even better use of the available information, in order to receive comprehensive, accurate and detailed reporting on those issues. We believe that that would further enhance the Council's ability to take timely and informed action in specific situations.

Already in the Secretary-General's very first report on the protection of civilians (S/1999/957), children and women were identified as requiring special protection measures. Finland continues to fully agree with that assessment, and we would like to express our support for the work done by this Council and by all parts of the United Nations system in the thematic areas of women, peace and security and children and armed conflict.

This year we commemorate the twentieth anniversary of the Convention on the Rights of the Child. Its principles should also guide us when it comes to the protection of children in armed conflict. Finland is highly concerned about the increasing number of attacks against schools and violence directed at children — especially girls — attending schools in many parts of the world. Such violence is to be universally condemned and countered as a fundamental violation of the right of every child to life and development.

With regard to violence against women in armed conflict, Finland wishes to express its support for the recent advances made by the Security Council with resolutions 1888 (2009) and 1889 (2009). We consider extremely important the timely appointment of a special representative of the Secretary-General to lead the United Nations efforts in addressing sexual violence in armed conflict. There is an urgent need for coherent and strategic leadership, for enhanced data gathering and reporting methods and for an operational rapid response team. At the same time, active participation of women at all levels of decision making — in times of conflict and in times of peace — remains the best tool for preventing violence from happening in the first place.

Peacekeeping operations are one of the most important tools available to the United Nations to protect civilians in armed conflict. The Security

Council's thematic resolutions, the aide-mémoire (S/PRST/2009/1, annex) and the inclusion of protection activities in the mandates of United Nations peacekeeping missions have been important steps forward. However, at the same time, the gap between the words on the protection mandates and their actual implementation seems to have grown. The New Horizon initiative outlines the protection of civilians as one of the cross-cutting peacekeeping tasks. We hope that the ongoing efforts to reform United Nations peacekeeping will help to tackle the gap between the mandates and resources, expectations and available capacity.

Also, a shared view of what protection of civilians really means is needed. In our view, effective protection requires a comprehensive approach that includes troops and police units that can be called upon in critical situations and have clear guidance on how to tackle the situation. It includes long term monitoring and protection of human rights, as well as activities aimed at building the rule of law and in support of security sector reform. It also means ensuring that humanitarian actors can carry out their work based on principles of neutrality and impartiality.

We find it encouraging that at its most recent session, the Special Committee on Peacekeeping Operations addressed for the first time the issue of the protection of civilians in its report (A/63/19). We find the increased interaction between this Council and the troop- and police-contributing countries, as well as the work of the Special Committee, crucial in getting wide support from Member States for an enhanced protection role for the United Nations peacekeeping operations. We hope that with the New Horizon and other ongoing reform initiatives as a basis, Member States will be able to make progress on this important issue this year in order to give the women and men serving in the United Nations missions the guidance and tools they need to carry out their courageous task of protecting civilians in the midst of a conflict.

The President: I now give the floor to the representative of Egypt.

Mr. Abdelaziz (Egypt): I have the honour to address the Security Council on behalf of the Non-Aligned Movement (NAM) and to begin by expressing appreciation to the Minister for Foreign Affairs and the delegation of Austria for organizing this important debate under its presidency and to thank the Secretary-General, Under-Secretary-General Holmes and the Deputy High Commissioner for Human Rights for their introductory remarks.

The year 2009 marks the tenth anniversary of the Security Council's first thematic debate on the protection of civilians in armed conflicts, as well as the sixtieth anniversary of the 1949 Geneva Conventions, which focus on minimizing the negative impacts of the horrors of war and violence on the civilian population. Nevertheless, with all the efforts exerted by the United Nations, including the Security Council, civilians are still suffering around the world in massive numbers and the measures that have been adopted so far have proved to fall short of addressing the wider implications of attacks against civilians and their impact on international peace and security.

In this regard, the Non-Aligned Movement believes that due priority should continue to be given to promoting knowledge of, respect for and observance of States parties' obligations assumed under international humanitarian law, in particular those of the four Geneva Conventions of 1949 and their 1977 Protocol. We call upon all parties to armed conflict to redouble their efforts to comply with their obligations under international humanitarian law by, inter alia, prohibiting the targeting of civilian populations, civilian property and certain special property during an armed conflict, and obliging parties to any conflict to ensure general protection against dangers arising from military operations for civilian installations, hospitals and relief materials, as well as the means of transportation and distribution of such relief materials.

The Movement reiterates its condemnation of the increasing attacks on the safety and security of humanitarian personnel and urges the Governments of United Nations Member States to ensure respect for and the protection of the personnel of humanitarian organizations, in conformity with the relevant provisions of international law. In the meantime, we reaffirm that humanitarian agencies and their personnel should respect international humanitarian law and the laws of the countries in which they operate, the guiding principles of humanitarian assistance set forth in General Assembly resolution 46/182 and its annex, and non-interference in the cultural, religious and other values of the population in the countries in which they operate.

As for using weapons which are of an indiscriminate nature and that lead to massive causalities among the civilian population, the Non-Aligned Movement stresses its concern at the threat to humanity posed by the continued existence of weapons of mass destruction, especially nuclear weapons, and of their possible use or the threat of their use. We continue to believe that more remains to be done with regard to disarmament and the non-proliferation of these weapons. In that regard, the Movement continues to deplore the use, in contravention of international humanitarian law, of anti-personnel landmines in conflict situations, aimed at maiming, killing and terrorizing innocent civilians, denying them access to farmland, causing famine and forcing them to flee their homes, eventually leading to depopulation, and preventing the return of civilians to their places of original residence. The Movement calls upon all States in a position to do so to provide the necessary financial, technical and humanitarian assistance to landmine clearance operations and the social and economic rehabilitation of victims, as well as to ensure full access by affected countries to material, equipment, technology and financial resources for mine clearance.

In the same vein, taking into account the magnitude and persistence of the violations and breaches of international law, including international humanitarian law, being committed by Israel, the occupying Power, in the occupied Palestinian territory, the NAM calls upon the Council to take all necessary measures to ensure respect for and compliance with the Geneva Conventions in that situation.

Let me conclude by reiterating the importance of the role of the General Assembly and the Security Council, not only with regard to enhanced involvement with respect to the protection of civilians in conflict situations but also in order to focus on the need to investigate violations of international humanitarian law, without discrimination. The NAM believes that the Council should alter its practice to attach priority to the protection of civilian population in imminent danger in conflict situations at an early stage and separate this issue from the discussions that take place in the Council with regard to the controversial political dimensions of a conflict, in order to save as many lives as possible among affected civilians trapped between the combatants in conflict areas.

The President: I now give the floor to the representative of Guatemala.

Mr. Rosenthal (Guatemala) (*spoke in Spanish*): We thank you, Mr. President, for having organized this open debate, as well as for the concept paper annexed to your letter dated 2 November 2009 (S/2009/567). This, without a doubt, will guide our deliberations on the protection of civilians in armed conflict. We wish also to express our appreciation to Mr. John Holmes, Under-Secretary General for Humanitarian Affairs, for his informative briefing.

My delegation associates itself with the statement just made on behalf of the Non-Aligned Movement. At the same time, we would like to address from a national perspective certain aspects of special interest to Guatemala. This interest derives not only from our commitment to the universal values of the United Nations Charter but also from our more specific perspective of a country contributing troops to peacekeeping operations. Indeed, on 23 January 2006, eight of our troops lost their lives and another five were wounded in an operation whose indirect purpose was precisely to protect innocent civilians in the Democratic Republic of the Congo from the hostilities of the Lord's Resistance Army.

With that particular viewpoint, we, like many other troop-contributing countries, struggle with the dilemma of, on the one hand, limiting our presence in a given country to keeping the peace, without exposing our troops to offensive actions that place them in harm's way, and, on the other hand, involving ourselves in humanitarian efforts to protect the civilian population as part of a broader mandate to restore stability and normality in the day-by-day routine of the inhabitants on the ground.

From a wider standpoint, we welcome the continued willingness of the Security Council to address the protection needs of civilians in armed conflict. We believe that this is a timely opportunity to thoroughly review the progress made and the challenges we face. The fact is that despite the numerous reports and resolutions, the wealth of experience and the best practices accumulated over the past decade, civilians still account for the majority of casualties — and the risks they bear have only intensified.

It is increasingly difficult to distinguish between civilians and combatants, due in part to the

proliferation and fragmentation of non-State armed groups that resort to strategies that flagrantly contravene international law and strike against civilians in order to shield military objectives. This is also due to new technology that has produced long-range artillery and missiles, thus expanding the conflict zone and exposing larger numbers of civilians to attacks. For that reason, conventional measures are not sufficient to address these challenges and emerging dangers. These circumstances go beyond the five core challenges indicated in the Secretary-General's most recent report on this issue (S/2009/277) and in his presentation this morning.

Most certainly, we acknowledge this year's update of the aide-mémoire on the protection of civilians in armed conflict (see S/PRST/2009/1, annex), which identifies key protection concerns in this area. Nevertheless, we still seem to fall short when it comes to the observance of international humanitarian law and accountability for violations. For this reason, we believe that the time has come to adjust some norms of international humanitarian law in order to fully comply with the requirements of distinction and proportionality set forth by international humanitarian law for the protection of civilians. Moreover, we must avoid selective approaches to violations of international humanitarian law and abide strictly by the legal norms concerning the protection of civilians.

With regard to how this item is handled in Security Council mandates, we should like, very briefly, to point out the following points. First, the protection of civilians cannot be treated in the same way in all peacekeeping operations. The situation will vary depending on whether we are dealing with a mandate under Chapter VI or Chapter VII of the Charter, as well as on the particular details and context of each peacekeeping operation.

Secondly, there are limits on the action of the United Nations and we believe that measures should only be aimed at the protection of those civilians that are at imminent risk or in imminent danger. The Organization cannot assume responsibility in every situation, given that its capacity to respond depends on the mandate and on the availability of precise information, appropriate logistical support, adequate resources and political will.

Thirdly, mandates are established by the Security Council, and while this body has expressed its intention to ensure that they include clear guidelines concerning what missions may and must do to protect civilians, they should be formulated on the basis of a realistic assessment of what is taking place on the ground and in close consultation with troop-contributing countries, as well as with the host country. Subsequently, the Department of Peacekeeping Operations should draw up a concept of operations based on accurate information, which will serve as a legal and operational framework for the rules of engagement.

Finally, we consider that in order to improve the protection of civilians in the field we must respect and observe existing international humanitarian law without selectivity, take into account the need to promote the development of secure environments and the restoration of the rule of law, and provide troop-contributing countries with resources, equipment and training prior to deployment.

The President: I now give the floor to the representative of Germany.

Mr. Ney (Germany): Germany fully aligns itself with the statement made by the representative of Sweden on behalf of the European Union.

I wish to start by commending you, Mr. President, for having convened this timely and important meeting, marking not only the tenth anniversary of the start of the Security Council's work on the protection of civilians but also the sixtieth anniversary of the Geneva Conventions. Let me also thank the Secretary-General, Under-Secretary-General John Holmes and Ms. Kyung-wha Kang, Deputy High Commissioner for Human Rights, for their succinct briefings today.

In our view, the protection of civilians in armed conflict is an issue that is fundamental to the mandate of the United Nations. Although international law specifically prohibits attacks directed against civilians, as well as indiscriminate attacks in situations of armed conflict, this phenomenon is still all too common today. In its landmark resolution 1265 (1999) of 10 years ago, the Security Council, for the first time, engaged in a thematic approach to the issue of the protection of civilians in armed conflict. Since then, the Council has adopted a number of resolutions and presidential statements addressing questions which are instrumental to the protection of civilians in armed conflict, such as compliance with international

humanitarian law and human rights law, accountability, the fight against a culture of impunity, the fight for humanitarian access, and the role of United Nations peacekeeping operations.

The Council also addressed the protection of specific groups which are particularly vulnerable in armed conflict. In that context, let me welcome the Council's and the Secretariat's work on the protection needs of children as well as on the issues of women and girls and sexual violence in armed conflict. Security Council resolutions 1325 (2000), 1820 (2008) and 1889 (2009) — the latter adopted only a few weeks ago — stress that the protection and empowerment of women are key issues of international security policy. In that regard, we are also looking forward to the speedy creation of the new United Nations gender entity and hope that actors in peacekeeping such as the Department of Peacekeeping Operations and troop contributors will cooperate closely with it.

Despite the conceptual and institutional progress of recent years, substantive challenges remain. Civilians continue to bear the brunt of armed conflicts. The growing number of conflicts of a non-international character has increased the vulnerability of civilians. Many parties to today's armed conflicts, including non-State armed groups, fail to comply with their obligation under international humanitarian law to distinguish at all times between civilians and combatants and between civilian and military objects. The utilization of the presence of civilians to render certain points, areas or military forces immune from military operations by adversary forces is a particular area of concern. If such failures to abide by the rules of international humanitarian law remain unanswered, respect for the law of armed conflict will be further eroded.

Here the fight against impunity is key. Bringing perpetrators of serious violations to justice is a central element of improving the protection of civilians in the future. Ensuring accountability is key to enhancing respect for international humanitarian law. To achieve this, we should like to urge the Security Council to consider making greater use of all the tools at its disposal, including targeted sanctions against perpetrators. We also call on the Security Council to consider resorting to international judicial mechanisms, including by referring a situation to the International Criminal Court.

The protection of civilians is also fundamental to the credibility of United Nations peacekeeping operations. Gaps remain between Headquarters and the field. In our view, more can and must be done. I should like to highlight a few points to illustrate what I mean.

First, missions must have a clear mandate for the protection of civilians and resources commensurate with the mandated protection tasks. Troop commanders on the ground must have a clear understanding of what is expected of them. Guidelines regarding interpretation of those mandates need to be developed.

Secondly, with regard to doctrine and preparation, troops on the ground need unambiguous rules of engagement as well as specific training — ideally according to common standards for all troop- or police-contributing countries — in order to avoid misunderstandings within the peacekeeping operation.

Thirdly, in terms of planning and preparedness, in addition to clearly defined tasks, the planning process should consider the issue of the protection of civilians in its preparations. United Nations personnel in the field also need appropriate training and instruction.

Fourthly, there is a need for a comprehensive approach. The protection of civilians is not just a military task: it is a cross-cutting issue for the mission as a whole. A comprehensive approach involving humanitarian assistance, police, rule of law and gender issues must be put in place.

Fifthly, with regard to mainstreaming, all new multidimensional mandates comprising the protection of civilians should ensure that the protection of civilians is mainstreamed throughout the complex mission.

My final point relates to enhanced reporting. Comprehensive, detailed and timely information from the field on the protection of civilians, including on constraints on humanitarian actors, is a prerequisite for the Security Council to take action, enhance oversight and adjust mandates in a timely manner to reflect changes on the ground.

In that regard, Germany was encouraged by the creation of the informal Security Council Expert Group on the Protection of Civilians early this year. In our view, that is an important step forward. We also welcome the prominent role that the issue of the protection of civilians plays in the New Horizon

process on the reform of United Nations peacekeeping operations.

The protection of civilians is an important issue that concerns all States Members of the United Nations. My delegation appreciates the effort that went into drafting resolution 1894 (2009), adopted today, which we were pleased to co-sponsor. Germany will actively participate in future debates on this issue.

The President: I call on the representative of Qatar.

Mr. Al-Shafi (Qatar) (*spoke in Arabic*): I would like to thank you, Mr. President, for convening this open debate and for giving us the opportunity to participate in the consideration of an issue arising from the primary purpose of the United Nations Charter. I also wish to thank Secretary-General Ban Ki-moon and Under-Secretary-General for Humanitarian Affairs John Holmes for the importance that they attach to the issue.

Many colleagues have mentioned that the Security Council has reached a milestone this year in the process of addressing the issue of the protection of civilians in armed conflict, namely, the tenth anniversary of the Council's first consideration of this topic through the adoption of resolution 1265 (1999). This milestone may be an opportunity to comprehensively review the efforts to strengthen the protection of civilians. Those efforts include the establishment of the Security Council Expert Group on the Protection of Civilians and the development of plans to address all forms of violence, including murder, mutilation and sexual violence, and to include protection activities in the mandates of peacekeeping missions.

However, the substance of those Security Council resolutions and presidential statements has not been implemented as envisaged and desired. The main problem is the ongoing reluctance of many parties to armed conflict to fully comply with their legal obligations to protect civilians. One reason is the culture of impunity, which we must address through zero tolerance as one of the main factors influencing the policies of warring parties towards civilians.

A fundamental challenge to promoting the protection of civilians is foreign occupation. One cannot talk about the protection of civilians under foreign military occupation without addressing the root causes of their suffering and lack of security. Another challenge that must be addressed is the exposure of towns and villages in which military operations take place to the effects of such operations. Yet another challenge is that of civilians and international relief workers being killed or abducted by rebel elements in many conflicts.

Thus, enhancing the protection of civilians is not solely a humanitarian mission, but one that requires efforts in several areas. First and foremost, the necessary laws must be enacted to protect civilians in armed conflict without discrimination and selectivity, in accordance with international law, in particular international humanitarian and international human rights law.

Our region has witnessed and continues to witness a number of conflicts in which civilian lives are put at risk. The most significant of those is the Palestinian issue, which has threatened the security and safety of civilians for six decades. Despite developments on the political track of the peace process to resolve the crisis, civilians are increasingly vulnerable as a result of the growing disregard by the Israeli authorities for the protection of the Palestinian population living under its military occupation.

That disregard has risen to the level at which civilians were directly targeted during the military aggression against the Gaza Strip last year and early this year. The report of the United Nations Fact-Finding Mission on the Gaza Conflict (A/64/490, annex), mandated by the Human Rights Council, details serious and clear violations of international humanitarian and international human rights law, specifically the Geneva Conventions and in particular the Fourth Geneva Convention, which includes provisions on the protection of civilians under foreign occupation.

What concerns us here is that those acts clearly violate Security Council resolutions and presidential statements on the protection of civilians in armed conflict. The report underscores that the Government of Israel admitted to deliberately destroying Hamas infrastructure, which in fact belongs to the 1.5 million Gaza residents who are already suffering under the protracted siege that has precipitated the worst and harshest humanitarian situation. The welfare of civilians in Gaza continues to be directly affected as a result of the obstruction of humanitarian access to the

Strip and of basic commodities and construction materials to rebuild the infrastructure destroyed in the attack.

The obstruction of humanitarian operations by the occupying Power has hampered education in the Gaza Strip. We call on the Security Council to duly prioritize the issue of the right to education in areas affected by armed conflict and foreign occupation and to include that topic in future Council deliberations. We appeal to the Council to pay due attention to the recommendations of the Fact-Finding Mission and the report of the Board of Inquiry established by the Secretary-General to investigate the targeting of United Nations premises in Gaza by the Israeli army (S/2009/250). The targeting of civilians by a regular army equipped with the most sophisticated precision weapons in the world, in full view of the Security Council and without any response from it, undermines the basis of the Council's credibility in addressing the issue of the protection of civilians in armed conflict.

The State of Qatar attaches great importance to the protection of civilians in armed conflict and condemns all targeting of civilians in conflicts and under foreign occupation and their exposure to death and injury. It also condemns terrorist acts and reprisals against civilians and civilian targets, including hospitals and schools. During the attack on the Gaza Strip, Qatar was one of the first nations to call for the cessation of those practices and their investigation. It was also one of the first countries to strive to mobilize financial support to assist the civilian population affected by the hostilities.

We reiterate our call on the Security Council to shoulder its responsibilities and obligations to protect civilians in armed conflict, including foreign occupation, and to demand respect for its resolutions and the instruments of international law that provide the legal basis for the protection of civilians. We must always keep in mind that respect for international law is the true basis for a world of peace and stability.

The President: I call on the representative of Israel.

Ms. Shalev (Israel): This year marks the tenth anniversary of the adoption of resolution 1265 (1999) on the protection of civilians in armed conflict. Since then there has been considerable progress in addressing this vital issue. Israel welcomes the latest joint study by the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs, particularly the case studies regarding United Nations missions in the Sudan, Côte d'Ivoire, Darfur and the Democratic Republic of the Congo. As we move forward, clarity of mandates, accurately understanding the threat to civilians, and providing genuine guidance and planning will allow the Council and the forces it employs to serve in an even more effective capacity.

We understand that many unresolved issues regarding the protection of civilians in armed conflict remain before us. Asymmetric warfare, a new, complex phenomenon that the international community has yet to address effectively, takes a heavy toll on civilians on both sides of any armed conflict. Today's debate, therefore, must not ignore the reality of terrorism. It is a reality in which terrorists intentionally draw civilians into armed conflict. It is a reality in which terrorists use civilians as shields while they store weapons in and launch attacks from densely populated areas, from schools, mosques, civilian structures and homes. It is a reality in which terrorists build military infrastructure in civilian villages as they harass and threaten United Nations peacekeeping forces.

It is a reality in which, only one week ago, the terrorist Hamas entity that rules the Gaza Strip fired a rocket with a 60-kilometre range, thus threatening Israel's major population centres. It is a reality in which Iran, the region's greatest sponsor of terrorism, stands in manifest violation of this Council's resolutions. Only last week the cargo ship *Francop* was found to be illegally carrying hundreds of tons of Iranian weapons likely to be used against Israeli civilians. In light of this threatening reality, Israel, as a democratic State and in full conformity with its international obligations, seeks to protect civilians while it pursues terrorists who hide among them.

During Operation Cast Lead, while Hamas intentionally launched attacks on civilians from within civilian areas, Israel took extraordinary measures in its response to protect all civilians. This included placing more than 165,000 phone calls to warn civilians of pending attacks so that they could find refuge elsewhere. It included dropping nearly two and-a-half million leaflets asking civilians to avoid particular areas and buildings used by Hamas terrorists.

Those actions reflect only part of Israel's extensive efforts to protect civilians in armed conflict. They, among other measures, are discussed in great

detail in a publication by the Israeli Government. Published some months ago, this report addresses the difficult realities that Israel faced during Operation Cast Lead. It describes, in a comprehensive manner, the context of the operation, Hamas actions and the response of the Israeli Defence Force (IDF), as well as subsequent investigations into the operation. As the report shows, given the complex environment of urban warfare, Israel's actions during Operation Cast Lead reflected those of an army committed to the principle of the protection of civilians.

Colonel Richard Kemp, the former Commander of British Forces in Afghanistan and a recognized expert in the field of warfare in conditions similar to those in Gaza, stated unequivocally that the IDF did more to safeguard the rights of civilians in a combat zone than any other army in the history of warfare.

As today's debate discusses the protection of civilians in armed conflict, the international community must be aware of the grave reality of modern warfare, namely, terrorism. Terrorism turns civilians in armed conflict into targets, shields and weapons. We must not let terrorism turn civilians into victims.

The President: I now give the floor to the representative of Switzerland.

Mrs. Grau (Switzerland) (*spoke in French*): Thank you, Mr. President, for organizing this open debate on the protection of civilians. We commend Austria for its commitment in regard to today's resolution 1894 (2009), of which Switzerland was a sponsor. We would also like to thank the Secretary-General, Under-Secretary-General John Holmes and the Deputy High Commissioner for Human Rights for their statements.

The past 10 years have been marked by a significant increase in the work of the Security Council on the protection of civilians. Encouraging progress has been made, particularly in establishing a general normative framework and in considering the specific protection needs of women and children. These positive developments, however, will have little value if they do not translate into tangible improvements in the protection of civilians on the ground. I would like to direct my remarks to four central aspects: respect for international humanitarian law, including the fight against impunity; humanitarian access; the importance of reporting the reality on the ground; and peacekeeping missions.

First, the concept of protecting civilians is based on respect for the rules of international humanitarian law, human rights and refugee law. The fight against impunity plays a fundamental part in improving respect for the law. The Security Council must ensure that investigations are carried out in all situations where there are allegations of serious violations of international law. This can be done through ad hoc machinery or by mandates from the International Humanitarian Fact-Finding Commission, established under the First Additional Protocol to the Geneva Conventions.

It is also of fundamental importance that the Security Council evaluate and follow up such investigations, and that appropriate measures be taken to ensure that the alleged perpetrators of violations of international law are brought to justice. We also expect the Council to make sure that disregard for the law has consequences and that targeted measures be imposed on individuals or parties who do not respect its resolutions. We are in full agreement with the Secretary-General's views with regard to the importance of respect for international norms on the part of non-State players. We also support his proposal to convene a meeting under the Arias formula aimed at identifying new measures to improve armed groups' compliance with existing standards.

Secondly, humanitarian access is central to protecting and assisting those affected by armed conflict. We consider the annex to the Secretary-General's most recent report (S/2009/277) an important contribution to this area that should be developed further in the Secretary-General's reports on the protection of civilians in armed conflict. Information obtained in this way could become an important basis for the Council's decisions. The Council should also support the efforts by the Secretary-General's representatives to negotiate access with all parties to a conflict. Where humanitarian access is denied, targeted sanctions should be more systematically imposed.

Thirdly, we encourage the Secretary-General to include the subject of the protection of civilians more systematically in his country-specific reports. It would be equally desirable for the Council's informal group of experts to be kept informed systematically by those Secretariat entities dealing with areas relevant to

protection of civilians. Such information would give the Council a better understanding of the situation of civilians and enable it to verify whether its decisions have been respected and its mandates implemented. The informal Expert Group could also be used as an early warning mechanism to draw the Council's attention to conflict situations that are not on its agenda.

Fourthly, over the past 10 years, the debate within the Security Council on peacekeeping missions and the protection of civilians has become increasingly intensive. Many complex questions have arisen concerning the mandates, roles and capacities of peacekeeping missions with respect to the protection of civilians.

The independent study commissioned by the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs and supported by, inter alia, my own country, has provided the Council and other stakeholders with food for thought and useful recommendations. Switzerland hopes that this study will facilitate the development of clearer guidelines for the protection of military and civilian components of peacekeeping operations.

The President: I now give the floor to the representative of the United Arab Emirates.

Mr. Al-Jarman (United Arab Emirates) (*spoke in Arabic*): Allow me first of all to thank you, Mr. President, for organizing this important debate on the protection of civilians in armed conflict. I would also like to thank Secretary-General Ban Ki-moon and Mr. John Holmes, the Under-Secretary-General for Humanitarian Affairs, for their briefings this morning on this agenda item.

Over the past 10 years, the Security Council has taken measures to improve the means to protect civilians in armed conflict, including the adoption of four historic resolutions and presidential statements that lay out the main rules and norms that address our concerns and cover all aspects related to this matter. However, the international community unfortunately continues to witness the suffering endured by thousands of civilians in armed conflict around the world, especially women and children, the victims of increasingly complex forms of blind acts of violence that lead to numerous deaths and disabilities and an increasing number of wounded, as well as acute humanitarian crises that are hard to contain.

This ongoing suffering, which can be horrifying, is brought about when parties to a conflict do not respect their obligations to protect civilians in accordance with international humanitarian and human rights law. This shows that measures adopted on the ground fall short of the progress touted in the international statements and resolutions adopted thus far on this topic.

The United Arab Emirates condemns all deliberate attacks on civilians and the indiscriminate and disproportionate use of force. We must therefore reflect further on all aspects of this problem in order to guarantee continued long-term protection for civilians, taking into account the five challenges raised by the Secretary-General in his most recent report (S/2009/277) on this topic. That could help to promote the rule of law, respect for human rights, stability and sustainable peace in countries ravaged by conflict.

We support and welcome General Assembly resolution 64/10 on the follow-up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict (A/64/490, annex) concerning war crimes and crimes against humanity committed by Israel in the Gaza Strip. We hope that proper measures will be taken to implement that resolution, including the exertion of pressure on the Israeli Government to organize proper, independent and credible investigations within three months on the serious violations of international law and international humanitarian law mentioned in the report of the Fact-Finding Mission in order to guarantee greater accountability and justice.

We support the measures taken by the Secretary-General to guarantee the safety of United Nations personnel in Afghanistan. We hope that the international community and, above all, the United Nations agencies will adopt, pursuant to their respective mandates, even more effective measures along those lines, including through capacity-building and the provision of technical aid to countries and Governments. In this way, they will be able to implement the necessary prosecutions and determine the criminal responsibility of the perpetrators of violent crimes against civilians, United Nations peacekeeping personnel and other international humanitarian actors.

In response to the unstable security conditions and dangers facing United Nations personnel in Afghanistan, the United Arab Emirates recently took

part in regional efforts to guarantee their security in that country.

We are convinced that States must assume the primary responsibility for protecting civilians in armed conflict. It is also crucial to promote regional and international coordination and cooperation in that field. We reaffirm the effective role that must be played by the Security Council in responding swiftly, directly and decisively to armed conflicts and emerging crises and in addressing their deeper causes. We reaffirm the importance of the role the Council must play in prevailing upon parties to conflicts to create safe and neutral zones and to guarantee humanitarian corridors, the evacuation of victims, and safe, timely and unhindered access for humanitarian aid. It is important to bolster respect for those measures and to promote accountability with respect to international law and international humanitarian law in accordance with the provisions of the United Nations Charter, in order to mitigate the damage caused by armed conflicts and the suffering they inflict on civilians and to prevent their recurrence.

Lastly, we hope to swiftly reach an international agreement on the role that must be played by United Nations peacekeeping missions in protecting civilians and humanitarian personnel in their area of operations, within the framework of full respect for the sovereignty of States and on the basis of their special status.

In order to enhance the Organization's credibility, we call for negotiations between the Security Council, the Secretariat and the troop- and police-contributing countries, in particular with respect to monitoring efforts, presenting reports and accurate information, guaranteeing various capacities and adequate resources, improving the operational guidelines of mission mandates, and protecting civilians in a coordinated and efficient fashion.

The President: I now give the floor to the representative of Uruguay.

Mr. Álvarez (Uruguay) (*spoke in Spanish*): At the outset, allow me to congratulate you, Mr. President, on the efforts of the Government of Austria over the past year to reach agreement on how to improve the situation of civilian populations affected by armed conflict.

I would also like to welcome the presentation of the independent study on the protection of civilians in the context of United Nations peacekeeping operations. This document was brought about through exhaustive efforts that we commend. The fact that it is an independent study allows us to consider it without preconceived notions and draw from it valid lessons on the basis of which all stakeholders involved in this issue can build, in a coordinated fashion, the broadest consensus possible on the protection of civilians in peacekeeping operations.

After 10 years of discussion on this subject and after the approval of mandates for the protection of civilians by the Security Council, two facts are quite evident. First, there is a clear evolution in the awareness of the international community on the need for the United Nations to play an important support role in the protection of the lives of innocent persons affected by conflict. Accordingly, peacekeeping operations are probably the most tangible tool that the Organization possesses to make this protection effective. It is also true that a large part of the credibility of the United Nations depends on this tool.

Secondly, while we are aware of the fact that the protection of civilians is a task that is fundamentally carried out on the ground, its effective implementation is not easy if the actors do not have the necessary and suitable planning, guidelines, coordination, training, resources and political commitment. That is why it is one thing to incorporate protection language in a Security Council resolution and quite another to implement this intention effectively on the ground. The distance between the two extremes is very large and, as the independent study has pointed out, the link that should bind them together is completely broken.

Thus, to move forward in a sustainable fashion, all the actors involved should have more or less the same idea of what is expected when the protection of civilians is mandated. What can we effectively do on the ground, given the circumstances in which the United Nations operates? What can we do to improve this situation?

By way of example, it is very clear that we must provide missions with some type of concept or guidelines which would interpret in a fairly standard way the mandates which are approved by the Security Council. In order to take advantage of the experience acquired and to bolster the legitimacy and the

commitment to their implementation, these guidelines must be developed with the participation of the actors involved, especially the police and troop-contributing countries which are responsible for the most sensitive tasks involved in implementation.

It is also clear that we have to find a balance between intentions and capabilities, between mandates and resources. The complexity of the situations and the lack of human and material resources, even if they do not justify inaction, are real conditions that must be borne in mind in order not to exaggerate expectations and so that we do not fix parameters that we are not in a position to fulfil.

All stakeholders — the Security Council, the Secretariat, the police- and troop-contributing countries — need to make a great deal of improvement in this area so that this balance will get closer to what innocent civilians expect of the United Nations. Likewise, even though we do agree that protection — in the light of evidence of physical violence — is an essential matter in the protection of civilians, it should be looked at from a comprehensive point of view, including humanitarian assistance, police work and the promotion of the rule of law, political stability, disarmament, demobilization and reintegration, reconstruction and economic and social development.

No one questions the fact that the State has the primary responsibility to assist victims in emergency situations that could take place on their own territory. However, when the scope and duration of these emergencies exceed the response capacity of States, international cooperation in terms of humanitarian assistance is crucial. Accordingly, the involvement of the Office for the Coordination of Humanitarian Affairs in the protection of civilians, in coordination with the work of the peacekeeping missions, is of vital importance.

In this regard, it is urgent to maintain and strengthen the norms of international humanitarian law with a view to fighting impunity, ensuring access for humanitarian personnel and providing proper safety and security conditions so that they may carry out their tasks with the ultimate objective of avoiding and/or alleviating the suffering of the civilian population in emergency situations.

Uruguay reiterates its desire to continue working proactively and constructively to move forward in this matter in an inclusive and coordinated fashion, relying on lessons learned, particularly in the Special Committee on Peacekeeping Operations, the representative body for all Member States. In this respect, I would like to take this opportunity to invite participants to a new workshop which we will organize, together with the permanent representative of Australia, in the morning of 8 December. There, we hope to repeat the open discussion and to start to seek a common understanding with a view to the upcoming session of the Special Committee.

The President: I now give the floor to the representative of Denmark.

Mr. Staur (Denmark): I thank you, Mr. President, and I thank the delegation of Austria for organizing and preparing this thorough discussion of this very important subject. The protection of civilians in armed conflict should be the centrepiece of any peace agreement and conflict prevention effort. The need for concrete action on the ground is more urgent than ever. Civilians are increasingly being targeted during conflict, which brings death, displacement, rape and torture to populations affected by the conflict. Women and children are subjected to sexual violence and abuse, often as part of horrifying war strategies.

The Security Council has a responsibility to help the thousands of people whose lives are threatened because Governments are unable or unwilling to protect civilian citizens living in conflict areas. It is important to strengthen the enforcement of international humanitarian law through the Security Council. That implies that the Council is consistent in its response to the protection of civilians in armed conflict and that it is receptive to information about grave threats to civilians, as well as proactive in seeking such information. The Council needs to be ready to act using all available means at its disposal.

An important step to be taken in securing the protection of civilians is to improve the mandates of peacekeeping missions. Civilian protection is, of course, at the very heart of peacekeeping. Still, we have seen time and again that peacekeeping mandates are incomplete, unrealistic and ineffective in combating conflict and violence. Mission mandates tend to have somewhat rigid parameters for analysing and adapting to conflict settings, and they too often fail to address the structural causes of conflicts. Furthermore, they do not consistently ensure a whole-of-system approach, linking in a comprehensive

manner the efforts of the United Nations and others in both peacekeeping and peacebuilding. Mandates often tend to be vague, overambitious and unrealistic in terms of what can be accomplished and without sufficient personnel or proper exit strategies.

It must be the responsibility of the Security Council to provide better targeted, comprehensive, realistic and robust mission mandates and to have clear protection objectives. Mandates must be flexibly adapted to swiftly changing political situations and circumstances in countries. Also, the gap between mandated tasks and allocated resources and capabilities must be bridged, if we are to make a difference on the ground — and that we must.

We call for a more concerted action on the ground for the United Nations and for Member States and urge them to get together to strengthen cooperation and coordination of all efforts, from peacekeeping missions through humanitarian action and early recovery activities to development assistance. We need more focus on impact and joint operation approaches and to be less caught up in bureaucratic constraints and squabbles over turf.

I wish to make two final points. First, there is also a need to protect humanitarian aid workers. When basic security and safety are not provided, humanitarian organizations are forced to leave and cannot provide assistance and protection to the people who desperately need it. It is alarming that the humanitarian space seems to be shrinking, leaving millions of people without basic assistance and protection.

Finally, be reminded that Denmark is a strong advocate for fighting impunity. Ensuring that perpetrators are held accountable not only serves as a deterrent of future crimes, but it also recognizes the suffering and dignity of victims and can thereby help societies to move forward and reconcile after conflict.

The President: I now give the floor to the Permanent Representative of Ireland.

Ms. Anderson (Ireland): I should like to express our thanks to Austria for organizing this timely debate. Ireland associates itself with the intervention made earlier by the representative of Sweden on behalf of the European Union.

It is customary on these anniversary occasions to note the progress made, as well as to map the distance to be travelled. We would not wish to devalue the efforts or achievements made over the past 10 years. There have indeed been advances. For example, one area in which my country has been particularly active is in the adoption of the Convention on Cluster Munitions. But the Secretary-General, in his report of last May, tells it as it is:

> "[F]or all the reports, resolutions and actions of the last decade, the situation that confronts civilians in current conflicts is depressingly similar to that which prevailed in 1999." (*S/2009/277, para. 23*)

The frustration of those at the coalface is clear. In the Security Council's last debate on the issue, Under-Secretary-General for Humanitarian Affairs Holmes reminded us that lip service to the principles of international law is no substitute for real action. The New Horizon document acknowledges the significant credibility challenge for United Nations peacekeeping that is created by the mismatch between expectations and capacity. Those same sentiments and frustrations were echoed in the opening interventions this morning. We are not short of high quality analysis. We need now to move from analysis to action. Today, I would wish to concentrate on four points, the first on enhancing accountability.

The principles of enhancing compliance and accountability are ones that we believe need to be applied rigorously and consistently. We note what the Secretary-General's report has to say in that regard, both in general and in relation to the specific situations he mentions: Sri Lanka, Gaza and Afghanistan. We agree with his recommendations, including his stress on the need for consistent condemnation of violations of the law by all parties to conflict without exception. All of us are challenged by that. In the week following the General Assembly's debate on the Goldstone report (A/HRC/12/48), the challenge has been brought into particularly sharp relief.

Issues of protection of civilians can typically arise in a complex political context. We must be mindful of the complexity of the context but, at the same time, not be prepared to sacrifice or erode the principles of protection and accountability. That entails responsibilities both for those who frame resolutions and those who vote on them. The temptation to distort or to dilute the principles of protection must be avoided. Nor can we succumb to selectivity. Our

concerns about specific situations gain legitimacy and respect insofar as we are prepared to insist that the same standards be applied universally.

Secondly, with regard to safeguarding humanitarian access, such access is the lifeline linking humanitarian actors to civilians in conflict. The increase in attacks on humanitarian workers — with the recent targeted attack on United Nations aid workers in Kabul being a further grim example — is putting that lifeline at risk. The statistics are shocking. The incidence of kidnapping of humanitarian workers has increased by 350 per cent in the past three years. Last year marked the greatest number of humanitarian workers affected by violence in 12 years.

We in Ireland have experienced at first hand the vulnerability of our international humanitarian workers. We were relieved by the recent release of Sharon Commins, a young Irish aid worker who was held captive with a Ugandan colleague in Darfur for some months. Efforts continue to secure the release of Father Michael Sinnott, on which we are working with the Philippine authorities.

The increased targeting of humanitarian workers is an affront to the United Nations most basic principles. More must be done, both to highlight and prioritize the issue and to strategize so as to arrest and reverse the trend. There is clearly no simple way to eliminate the threat. The approach will have to be multi-pronged, and any proposed steps must respect the need for humanitarian actors to maintain their neutrality and independence.

Where United Nations peacekeepers are on the ground, their role in protecting humanitarian workers can be critical. The Secretary-General's report refers to the role played by the European Union Force (EUFOR) in Chad in preventing criminality against the humanitarian community. Ireland provided the leadership for EUFOR and we continue to have a strong presence in the United Nations Mission in the Central African Republic and Chad. As our personnel on the ground in those operations are acutely aware, it is only through the most thoroughly professional and impartial approach that the peacekeeping force can win the confidence of non-governmental organizations, and thus their assent to having peacekeepers help to protect them.

Thirdly, with regard to strengthening United Nations peacekeeping, this issue has been addressed in almost every intervention today. As speaker after speaker has recognized, our task now is to bridge the gap between aspiration and reality. If we needed a further wake-up call, the joint study recently issued by the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs provides it. The study's central finding is that the chain of events to support the protection of civilians — from the earliest planning to Security Council mandates to the implementation of mandates in the field — is broken.

Two of the key issues are clarity of mandate and adequacy of resources. Mandates must be clear and specific. Inevitably, field commanders will face resource constraints and competing demands on the resources available, and will need to use their judgment on how best to deploy them to achieve maximum civilian protection. But guidance is required. The mandate of each peacekeeping operation should elaborate, as fully as possible, who is to be protected and what level of protection is to be provided. The means to achieve that should be fully set out in the operational plans and other directive material.

Peacekeeping missions seldom have sufficient resources to accomplish the protection task as they would wish. In almost all scenarios, but particularly where there is a need to protect civilians over a large area, air assets are critical. Their value is psychological and pre-emptive, as well as reactive. Where civilians are under threat, the belief that a force has the reach and combat power to react swiftly and decisively will be a considerable deterrent.

Fourthly and finally, with regard to the responsibility to protect, Ireland has participated actively in the evolution of the discussion on the responsibility to protect. We view it as an extremely important vehicle for advancing the work on the protection of civilians in armed conflict. Resolution 63/308, adopted by the General Assembly in September, was very welcome. However, like many others, we would have preferred a text that more clearly mapped out the future development of the work. The reference to the responsibility to protect in resolution 1894 (2009), adopted today, undoubtedly will help to reinvigorate efforts.

The test of success for today's debate will be whether it moves us beyond analysis and consciousness-raising to more concrete outcomes. The

message from the coalface — that actions must match words, that all of us must demonstrate a much greater sense of urgency, and that Security Council members must exercise the responsibilities that accompany the privileges of membership — must be heeded.

The President: I now give the floor to the Permanent Observer of Palestine.

Mr. Mansour (Palestine): Let me begin by thanking the Minister for Foreign Affairs of Austria for presiding over today's meeting. I would also like to thank the Secretary-General for his participation in this thematic debate on a matter of immense importance to Palestine. We would also like to commend the Under-Secretary-General for Humanitarian Affairs for his informative briefing and his tireless efforts to promote the protection of civilians in armed conflict, as well as the Deputy High Commissioner for Human Rights for her principled statement.

Before proceeding, Palestine wishes to align itself with the statement made by the representative of Egypt in his capacity as Chair of the Non-Aligned Movement.

This year marks the tenth anniversary since the Security Council first considered the matter of the protection of civilians in armed conflict. Throughout those 10 years, the Security Council has repeatedly demanded that all parties to armed conflicts comply with their obligations under international humanitarian law to protect the civilian population. However, the failure of States and parties to comply with and ensure compliance with their legal obligations in that regard is still rampant, and civilians continue to bear the brunt of war and aggression and their cruel consequences. Therefore, as we look ahead, we must continue — and in fact redouble — our efforts to ensure that the protection of civilians in armed conflict is addressed and guaranteed for all civilians, without selectivity or inaction based on political considerations.

Unfortunately for Palestine, the selectivity and inaction of the international community, including the Security Council, has only allowed Israel, the occupying Power, to continue its violations of international law, international humanitarian law and human rights law against the Palestinian civilian population in the occupied Palestinian territory, including East Jerusalem.

Regrettably, the international community's repeated failures to hold Israel accountable for its violations and war crimes has reinforced Israel's impunity and lawlessness, permitting it to continue using military force and collective punishment against the defenceless Palestinian people under its occupation. In essence, that has not only absolved Israel from honouring its legal obligations as an occupying Power, but has also emboldened it to continue its perpetration of crimes without fear of punishment.

No one needs to be reminded of the tragic consequences of Israel's military aggression launched on 27 December 2008 against the defenceless Palestinian civilians in the Gaza Strip, of whom more than 1,400 — including hundreds of innocent children and women — were brutally killed and more than 5,500 injured. Undoubtedly, that was an appalling and fatal illustration of Israel's complete disregard for the human rights and right to protection of the Palestinian civilian population. At the same time, Israel has continued its unlawful blockade in collective punishment of the entire population of Gaza, which continues to live in misery in the rubble of their homes and communities. Humanitarian access, which is one of the key components of the protection of civilians in armed conflict, also continues to be impeded, and much-needed exports continue to be totally prohibited, by the occupying Power.

In that regard, the investigation carried out by the United Nations Fact-Finding Mission on the Gaza Conflict, which was headed by Justice Goldstone, led to findings clearly confirming that Israel, the occupying Power, had committed serious human rights violations and grave breaches of international humanitarian law, including the Fourth Geneva Convention, amounting to war crimes and even crimes against humanity against the Palestinian people. Even more shocking and deplorable, the report concluded that the aggression on the Gaza Strip had been planned in all its phases as "a deliberately disproportionate attack designed to punish, humiliate and terrorize a civilian population" (*A/64/490, annex, para. 1893*) and included

> "wilful killing, torture or inhuman treatment, wilfully causing great suffering or serious injury to body or health, and extensive destruction of property, not justified by military necessity and carried out unlawfully and wantonly" *(ibid. para. 1935)*

— all of which give rise to Israeli criminal responsibility.

The fact that Israel proceeded to unrelentingly pound the Gaza Strip with its entire lethal arsenal for 22 days enforces the statement made by the Goldstone Mission that the absence of accountability and — worse still — the lack, in many instances, of any expectation thereof are what allow violations to thrive to a large extent. It is exactly that culture of impunity, which Israel has enjoyed for more than four decades, that has not only deepened the injustice and suffering endured by the Palestinian people, but has also undermined the credibility of international law and of the international system as a whole.

In that regard, resolution 64/10 adopted by the General Assembly last week, on 5 November, is an important step towards beginning the process of ensuring accountability and justice. In addition to the efforts made to address this serious issue in the General Assembly, we will continue to call on all relevant United Nations entities, including the members of the Security Council, to shoulder their responsibility and on the high contracting parties to the Fourth Geneva Convention to shoulder their individual and collective legal obligations and responsibilities in order to embark on a new era for our peoples based on respect for international law, the true guarantor of peace, freedom, security and human dignity. We must bring an end to this cycle of impunity on the part of Israel and pave the way for the pursuit of accountability for the war crimes and crimes against humanity committed against the Palestinian people in the besieged Gaza Strip by Israel, the occupying Power.

Regrettably, the situation in the rest of the occupied Palestinian territory, including East Jerusalem, also remains volatile. In that regard, Israel continues its raids and arrest operations in the West Bank, as well as its settlement colonization campaign and wall construction throughout the territory, in grave breach of the Fourth Geneva Convention and its Additional Protocol I and in total disregard of United Nations resolutions, the Advisory Opinion of the International Court of Justice and Road Map obligations. Settler violence has also intensified, with violent, extremist Israeli settlers continuing to harass, intimidate and terrorize Palestinian civilians, violating their rights to life, liberty and security of person, and to destroy Palestinian property and crops. Moreover, in occupied East Jerusalem, Israel's evictions of Palestinian families — some of whom we brought to the United Nations, including the Fourth Committee, a few days ago — and its demolition of Palestinian homes have rendered hundreds of civilians homeless, forcing us to ask the Council: When will the rights of those civilians, including their right to protection, be ensured?

As long as Israel continues to flout its legal obligations towards the Palestinian civilian population under its occupation, the international community, in particular the Security Council, must act to uphold its responsibilities and ensure compliance by Israel with international law and United Nations resolutions. A clear and firm message must be sent to the occupying Power that the international community will no longer tolerate its illegal actions, violations and crimes because commitment to the principles of international law must be above any other consideration that may make a mockery of our international system. Such firm intolerance and a principled commitment to the law will help us break this cycle of impunity and bring an end to the crimes that have caused so much suffering and prolonged this tragic conflict, as well as truly ensure the protection of the Palestinian civilian population.

In closing, having reviewed the seven pages of resolution 1894 (2009) on the protection of civilians in armed conflict, just adopted by the Council, we took careful note of the applicability of the overwhelming majority of the provisions of the resolution to the situation being faced by the Palestinian people in the occupied Palestinian territory, including East Jerusalem and, in particular, the Gaza Strip. We wish to emphasize, in that regard, the extreme importance of operative paragraph 4 of the resolution, which reiterates the Council's willingness

> "to respond to situations of armed conflict where civilians are being targeted or humanitarian assistance to civilians is being deliberately obstructed, including through the consideration of appropriate measures".

We hope that that provision and others will be borne in mind when the Security Council next deals with the question of Palestine.

The President: I give the floor to the Permanent Representative of Argentina.

Mr. Argüello (Argentina) (*spoke in Spanish*): At the outset, allow me to commend the Austrian delegation for its work in the presidency of the

Security Council for the month of November and to thank it for convening this open debate, to which my country attaches special importance. I also reiterate the importance of the Council's holding public meetings to allow all Members of the Organization to express their opinions and interact with members of the Council.

This year, the Security Council is considering for the tenth consecutive year the issue of the protection of civilians in armed conflict within the legal framework of resolutions 1265 (1999), 1296 (2000) and 1674 (2006) and the aide-mémoire on the protection of civilians (S/PRST/2002/6) adopted by the Security Council in 2002. This year also marks the sixtieth anniversary of the adoption of the Geneva Conventions of 1949, the keystones of international humanitarian law.

In accordance with international humanitarian law, the protection of civilians in armed conflicts is a legal obligation under international law. It is regrettable that the Council must continue to deal with the matter because civilians continue to this day to suffer the grave consequences of armed conflicts. We are therefore convinced that the Security Council must remain committed to the protection of civilians in armed conflicts by promoting respect for international humanitarian and human rights law and fighting impunity.

At the open debate held by the Council on 26 June (S/PV.6151), my delegation referred to the Secretary-General's report on the protection of civilians in armed conflicts (S/2009/277) and expressed its regret that the situation was just as discouraging as it had been 10 years earlier.

The 1949 Geneva Conventions were a step forward for the international community, given the dehumanizing situation it had recently experienced. Sixty years later, conflicts continue to arise and, regrettably, there remain numerous situations in which civilians are the targets of attacks and, as others have noted, the number of victims among the civilian population is unacceptably high; in which children are recruited as soldiers or are subject to abuse; in which sexual violence is a daily occurrence; and in which thousands and even millions of people are displaced and humanitarian access is severely hindered.

Parties to armed conflict are required by the basic rules of international humanitarian law to guarantee protection of civilians from the effects of the conflict. With regard to non-State armed groups in armed conflicts that are not of an international nature, it is clear that common article 3 of the four 1949 Geneva Conventions sets out specific obligations that must be respected by the parties involved, including non-State parties.

With respect to peacekeeping operations and the protection of civilians — the focus of this debate — my country is convinced of the need to include protection activities in the mandates of United Nations missions. However, the Secretary-General's report and the conclusions of the workshop on the subject organized in January by Australia and Uruguay, stress the need to develop clearer mandates and to provide the necessary resources in an efficient and timely manner. In this respect, interaction with components on the ground is essential to ensuring that the mandates are not only clear but also and, most importantly, appropriate to the circumstances the mission will face.

As to the integration of the components, it is important to ensure the necessary structure to guarantee the protection of women, especially from sexual violence. At the same time, we must also take into account the need to protect children, and in particular to prevent the recruitment of girls and boys and to rehabilitate child soldiers.

Another important aspect of the protection of civilians is to guarantee civilian access to humanitarian assistance. If, due to inability or to a lack of political will, the parties to a conflict do not fulfil their obligations under international humanitarian law, they must at least do their best to guarantee civilian access to shipments, materials and emergency care. Likewise, persons fleeing combat zones must be allowed to travel safely to areas where they will not be harmed.

My country believes that justice plays a fundamental role. Individuals who have committed war crimes, genocide or crimes against humanity are responsible for very serious violations of the law and must therefore be held criminally accountable before the law.

This Council established two ad hoc international tribunals, one for the former Yugoslavia and one for Rwanda, and the International Criminal Court is now fully functional. I recall that the International Criminal Court does not replace national justice systems, but operates to complement such systems when they are not functioning.

Ensuring accountability for such serious crimes is more than an obligation for States. It is also in the interest of the international community, represented at this Organization, since justice contributes to mitigating the harm caused by armed conflict and sets the stage for reconstruction and peace.

I reiterate once more that, pursuant to international humanitarian law and the Council's resolutions, any attack on civilians or other protected persons in situations of armed conflict, including the restriction of access to humanitarian assistance and the recruitment of child soldiers, is a violation of international law. I therefore conclude by calling for strict compliance with the obligations arising from the 1899 and 1907 Hague Conventions, the four 1949 Geneva Conventions and their 1977 Protocols, and the decisions of the Security Council.

The President: I give the floor to the Permanent Representative of Colombia.

Ms. Blum (Colombia) (*spoke in Spanish*): Allow me at the outset to congratulate you, Sir, and the Austrian delegation for your work in the Council presidency for the month of November. The presence of the Minister for Foreign Affairs and the initiative to convene this debate highlight the importance of the subject matter of this meeting. I also thank the Secretary-General, the Under-Secretary-General for Humanitarian Affairs and the Deputy High Commissioner for Human Rights for their valuable presentations.

Ten years after the Security Council began to address the issue of the protection of civilians in conflict, the contributions of this organ have been significant. The adoption of four resolutions and several presidential statements, as well as the aide-mémoire agreed upon as a guide for the protection of civilians, are noteworthy advances. This meeting of the Council therefore represents a useful opportunity to evaluate such progress and explore other alternatives that contribute to the protection of the civilian population in situations of conflict or violence.

Through its democratic security policy, the Government of Colombia has consolidated its activities to strengthen and guarantee the rule of law throughout the national territory. The implementation of this policy has allowed us to establish more stable conditions for the protection of Colombians and their enjoyment of their rights.

Through this effort, the criminality and violence indicators have fallen to levels not experienced in many years. In 2002, the country had no police protection in vast areas of its territory. The presence of the national police and the military forces has resulted in a dramatic drop in the violence indicators. Since that year, homicides have fallen by 44 per cent, extortive kidnappings by 88 per cent, the number of massacre victims by 96 per cent, and terrorist attacks by 79 per cent. Today, the homicide figures are the lowest they have been in 22 years. Extortive kidnappings have reached their lowest level in the last decades.

The demobilization of more than 52,000 armed men also reflects the effectiveness of the policy. More people are demobilized every day than are captured, and more are captured than killed. The State seeks above all to defend life and has the fundamental objective of ensuring better conditions for the entire civilian population.

Colombia is guided by the basic premise that the primary responsibility for the protection of civilians falls to the State. And each State may turn to the appropriate international cooperation mechanisms, depending to its priorities. In this context, the role of the United Nations and the international community is to support national protection efforts.

That primary responsibility and the role of the States are particularly relevant with respect to humanitarian assistance in their territories. My country recognizes in that regard the importance of cooperation and the facilitation of access to humanitarian organizations, in accordance with applicable international law. If humanitarian assistance is to be reliable and predictable, it must be delivered in conformity with the Charter of the United Nations and the principles of humanity, neutrality, impartiality and independence.

As pointed out in the concept paper circulated to the Council, the compliance of armed non-State actors with their obligations towards civilians is of particular relevance. In this regard, an approach that encompasses the particular issues and specific circumstances of each situation is indispensable. Any initiative in this field must take into account the central role of Governments and applicable national legislation. In a context of cooperation, action should seek first to require armed non-State actors to cease their violent actions against civilians.

Every year, hundreds of civilian victims throughout the world — men, women and children — see their rights and violated and their lives disrupted by the use of anti-personnel mines. Colombia will have the honour to host the Second Review Conference of the Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction, which will take place in the city of Cartagena from 29 November to 4 December.

The action plan to be adopted in Cartagena will be an opportunity to make the strengthening and development of the Convention a shared aim of Governments, international organizations and civil society. The goals achieved and the remaining challenges to the implementation of the Ottawa Convention should encourage the international community to continue pursuing the higher goal of achieving a world free of anti-personnel mines. The fight against this scourge is a direct contribution to actions in favour of the civilian population and should hence be supported with a high level of commitment and political will.

The implementation of effective controls to the illicit traffic in small arms and light weapons is also indispensable. My country will continue to promote this issue in the General Assembly, and expects the Security Council to promote the adoption of effective controls in this area. The illicit traffic in small arms and light weapons threatens civilian security, increases crime and causes the death or permanent disability of thousands of people. Without decisive action against this illicit trade, initiatives to protect civilians may be incomplete and ineffective.

The Government of Colombia reaffirms its condemnation of any action aimed against civilians. Their protection and strict compliance with international humanitarian law and other relevant international norms are matters of absolute priority that will continue to guide my country's policies.

The President: I give the floor to the representative of Ghana.

Mr. Christian (Ghana): Allow me to congratulate the Austrian delegation on assuming the presidency of the Security Council for this month. Ghana welcomes the latest report of the Secretary-General (S/2009/277), as well as his statement this morning demonstrating his commitment to addressing the issue of the protection of civilians in armed conflict.

My delegation aligns itself with the statement made by the Permanent Representative of Egypt on behalf of the Non-Aligned Movement and with the statement to be delivered by the Permanent Representative of Zambia on behalf of the African Group.

The timing and theme for today's open debate could not have been more appropriate, considering that this year marks the tenth anniversary of the Security Council's initial consideration of the protection of civilians in armed conflict as a thematic issue under its resolution 1265 (1999). In the course of the past decade, Ghana has remained among the 10 top troop-contributing countries in peacekeeping, and many Ghanaians peacekeepers are among those who have made the ultimate sacrifice. Ghana will continue to cooperate with other Member States in the implementation of the relevant resolutions adopted by the United Nations aimed at enhancing the protection of civilians in armed conflict. As acknowledged in the valuable concept paper (see S/2009/567) prepared for this debate, though some modest progress has been made, more work remains to be done.

As we speak today, millions of innocent people are suffering in various theatres of conflict and are denied humanitarian assistance. Many are deliberately targeted by armed groups and regular forces, in the face of the inability or unwillingness of their own Governments to come to their rescue. Children are being forcefully recruited as child soldiers or sex slaves; the raping of women and girls as a weapon of warfare persists; many victims have no access to food, water or schools, while others have been compelled to flee their homes, while humanitarian workers and peacekeeping personnel are deliberately killed or injured. Such atrocities are being committed in flagrant violation of the principles of international humanitarian and human rights law.

The phenomenon of internally displaced persons, a category of civilians in need of protection in armed conflict, is of particular concern in Africa, where millions of people are at present displaced by violent conflicts. In order to address the gaps and weaknesses in the existing international legal framework on the protection of internally displaced persons, in October African States adopted in Kampala, Uganda, the

African Union (AU) Convention for the Protection and Assistance of Internally Displaced Persons in Africa with the purpose and objective "to promote and strengthen regional and national measures to prevent or mitigate, prohibit and eliminate the root causes of internal displacement".

The States parties to the Kampala Convention are not only obligated to respect the right, which the African Union Constitutive Act confers on the Union and its member States, to intervene or request intervention in circumstances of genocide, crimes against humanity and war crimes, but they also undertake to prevent other violations of international humanitarian law against displaced persons. Furthermore, States parties to the Kampala Convention are under a general obligation to ensure the accountability of individuals and non-State actors for acts of arbitrary displacement, in accordance with national and international criminal law. It is hoped that the Council and other United Nations entities with the mandate to protect internally displaced persons will cooperate with African States in advancing the objectives of the Kampala Convention.

In the long run, the protection of civilians must begin with a culture of prevention encompassing all the phases of armed conflict. This should include the strengthening of early warning mechanisms, immediate or rapid response in the early stages of a conflict to avert escalation and establishing mechanisms for post-conflict peacebuilding in order that countries emerging from conflict do not experience a relapse. Effective sanctions regimes must be put in place to ensure that armed groups and their sponsors do not profit from natural resources they illegally exploit in conflict zones. Peacekeepers and humanitarian agencies must be adequately resourced to fulfil their mandate in order that they can focus on the protection of civilians in armed conflict, and not on their own protection and survival. Therefore, steps being taken to ensure cost-effectiveness in peacekeeping must not sacrifice the effectiveness of peacekeeping, peacebuilding and other peace operations.

There is the need for the international community to work closely with regional organizations such as the African Union to strengthen regional mechanisms designed to enhance the protection of civilians in armed conflict, to facilitate prevention of violent conflicts and intervention in them and to avert post-conflict relapse. To that end, Ghana would reiterate the need for the United Nations to heed the request by the African Union for logistical and material support towards the implementation of the African Standby Force arrangement. This will enable the AU to give practical meaning to the relevant articles of its founding treaty and the Protocol on the establishment of the African Peace and Security Council, providing for the right of the Union and its member States to intervene in circumstances of genocide, war crimes and crimes against humanity.

In closing, Ghana wishes to urge that measures to ensure the protection of civilians in armed conflict include the prosecution and punishment of perpetrators, with a view to deterring attacks on innocent civilians. Indeed, if we are to succeed in fighting impunity, then it is imperative to promote universal participation in the Rome Statute of the International Criminal Court and to strengthen other international criminal justice mechanisms, bearing in mind the link between justice and the maintenance of international peace and security.

The President: I now give the floor to the representative of Belgium.

Mr. Lambert (Belgium) (*spoke in French*): My delegation fully associates itself with the statement made by the representative of Sweden on behalf of the European Union. We wish to offer a few additional comments to highlight Belgium's support with respect to this matter, which is one of great importance to us.

Belgium welcomes the Security Council's recent adoption of resolutions 1882 (2009), 1888 (2009) and 1889 (2009), which in our view reflect increased political will to reduce the devastating impact of armed conflict on civilians. In that connection, Belgium thanks the Human Rights Council for its adoption in October of its resolution 12/5, on protecting the human rights of civilians in armed conflict.

Belgium believes that Security Council resolution 1894 (2009), adopted today, marks a significant step forward in a process the Council began 10 years ago when it added protection of civilians in armed conflict to its agenda.

Although over the past 10 years the United Nations has undeniably made real progress on the protection of civilians, civilians remain the principal victims of conflict. Hence, a great deal remains to be done. We therefore hope that today's resolution will

make it possible to genuinely strengthen the protection-of-civilians portion of the mandates of peacekeeping operations and to implement those mandates on the ground. The study recently prepared by the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations is a useful tool for helping us reach that goal.

Belgium attaches great importance also to the safety, security and freedom of movement of humanitarian personnel. We were particularly pleased that that aspect of the protection of civilians was more fully reflected in today's resolution.

Another requirement in the sphere of the protection of civilians is the fight against impunity. That challenge must be taken up at both the national and the international levels. Here, Belgium stresses the fundamental role of the International Criminal Court.

Finally, I recall that Belgium attaches great importance to the principle of the responsibility to protect, for which the General Assembly has just reaffirmed its support and which is intended to protect civilians from the most serious crimes: genocide, war crimes, ethnic cleansing and crimes against humanity.

The President: I now give the floor to the representative of Saudi Arabia.

Mr. Al Nafisee (Saudi Arabia) (*spoke in Arabic*): Allow me first to thank His Excellency the Secretary-General for his report on the protection of civilians in armed conflict (S/2009/277). My thanks go also to Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs, for his statement. I also take this opportunity to congratulate you, Sir, as your friendly country, Austria, presides over the work of the Security Council this month.

The protection of civilians in armed conflict has become an important item on the Security Council agenda. The issue has the political dimension of encompassing threats to international peace and security and also has a legal dimension because of violations of international law and international humanitarian law during armed conflict. It also has humanitarian and economic dimensions, reflected in the forced displacement of civilians and the consequent misery and humiliation that can overnight turn civilians into refugees or persons who have been displaced, either internally or externally.

Participation in the discussion of this issue, in my view, is not solely a matter of rule 37 of the provisional rules of procedure of the Security Council. It does not only mean being invited to sit at the Council table, to make a statement, to listen to dozens of other statements and to exchange compliments. It also means that Security Council members must take into consideration the opinions offered by countries during discussion of the resolutions and documents adopted by the Council. That would enhance the credibility, efficiency, openness and transparency of the Council's work and would make it possible for the Council to take into consideration other views as a means of achieving respect and appreciation.

There is no way for the Security Council to enhance its respectability and consideration other than by the demonstration of political will, strong determination and sincere desire on the part of its members, particularly the permanent members, which bear the primary responsibility for achieving the aspirations of Member States and all peoples without exception, preference or discrimination among the States.

While we welcome General Assembly resolution 64/10 on the follow-up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict (A/64/490, annex), we are somewhat frustrated by the positions of some countries, including certain members of this Council. How can we understand that those countries emphasize in their statements the importance of protecting civilians in armed conflicts while they vote against a resolution that seeks to protect those civilians? Are we to conclude that civilians differ from one county to another, or that moral and legal responsibilities differ according to ethnic groups and nations? Some claim that they seek to protect civilians through a variety of ways and means but do not want to discuss such issues in the Security Council. That is a living example of double standards in addressing similar issues within and outside the Security Council.

The international arena is dominated today by many crises and sources of conflict of varying form and characteristics. Furthermore, the goals of those conflicts vary from one region of tension and conflict to another. Those and other elements create for all of us a tense reality that demands a different approach by the United Nations and its bodies, particularly the Security Council. Thus, the United Nations policy of response must be replaced by a policy of initiative. Such

initiative should respect the principles of justice and promote a culture of responsibility and intolerance for impunity. It must also defend the principle of the sovereignty, territorial integrity and political independence of States and non-interference in their internal affairs, which constitutes a strong guarantee for the protection of civilians, the principal casualties in conflicts.

The discussion of the protection of civilians must not be restricted to the Security Council, but should be extended to the policy and strategy sessions of many other departments and agencies of the United Nations, such as the Department of Field Support, the Peacebuilding Commission, United Nations peacekeeping missions, the Department of Public Information and other divisions. Furthermore, civilian protection and its improvement must be priorities of those agencies and departments.

There are numerous instruments for civilian protection. The Security Council, fulfilling its duties in full transparency, is an important tool for preserving and maintaining the dignity and lives of civilians. The dispatch of fact-finding missions is a powerful instrument to prevent the recurrence of such violations. Moreover, the assignment of commissions to investigate violations of international law and human rights and to identify and prosecute those who are responsible for such violations at the national and international levels sends a strong message to parties to conflicts that the protection of civilians is a high priority of the United Nations.

The Fact-Finding Mission led by Justice Goldstone had a specific mandate and objective. The Mission's report (A/64/490, annex) finds that flagrant violations of international humanitarian law led to the killing of 1,420 Palestinians, 1,170 of whom were civilians. How would the situation look if the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories, established more than 40 years ago, were enabled to carry out its duties in the investigation of Israeli practices? If that Committee were to execute its mandate, what would its report include? What would be included in that Committee's report about over 40 years of atrocities and horrors? There is no doubt that the report of that Committee would be painful and sad for us and embarrassing for Israel.

The President: I now give the floor to the Permanent Representative of the United Republic of Tanzania.

Mr. Mahiga (United Republic of Tanzania): The delegation of the United Republic of Tanzania wishes to thank you, Mr. President, and to congratulate you and your country, Austria, for organizing this debate on the protection of civilians in armed conflict during your presidency of the Security Council. This is an important event, as it highlights one of the major current challenges to United Nations peacekeeping missions. It is also a milestone event, as it coincides with the tenth anniversary of the first Security Council resolution on this subject, resolution 1265 (1999), and the sixtieth anniversary of the Geneva Conventions on the protection of civilians in armed conflict.

After 60 years, the legal framework of the Conventions remains valid and useful, but the reality of warfare on the ground has evolved and become more complex. Civilians have increasingly become the targets and victims of combatants and have suffered intensely from the collateral consequences of sophisticated weapons of warfare and ideologies of hatred against innocent civilian populations.

Beginning in 1999, in the midst of the gruesome civil war in Sierra Leone, the Security Council has strived to issue mandates for peacekeeping missions to protect civilians from such atrocities. That comes in the wake of earlier instances of genocide, crimes against humanity, crimes of war and ethnic cleansing in Rwanda, Bosnia and Herzegovina in the mid-1990s. Ten years later, notwithstanding the continuing attention and response of the Security Council, the Secretariat and peacekeepers, the protection of civilians in conflict situations remains a daunting and a recurring challenge.

We should remind ourselves that the protection of civilians is the primary responsibility of States and that parties to armed conflicts also bear primary responsibility to ensure the protection of civilians in armed conflict. However, experience in situations of armed conflict or immediately after the cessation of hostilities shows that those primary responsibilities are not fully met and observed because of the exigencies and disruption imposed by violent conflicts on law, order and judicial mechanisms. Therefore, peacekeepers are obliged to offer the needed protection to civilians in such situations.

My country, Tanzania, has been at the forefront of protecting refugees from neighbouring countries, but that is only one aspect of protecting civilian victims of armed conflicts. The challenge in situ of protecting civilians where conflict is taking place remains enormous.

It was against that background that the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs commissioned an independent study to look into ways of enhancing the protection of civilians in United Nations peacekeeping missions. I was requested last year to chair that study, whose report has just been released. I would like to share some of the highlights of the findings and recommendations of the study.

The study shows that the entire protection of civilians chain, from the Security Council to the peacekeeper on the ground, needs to be addressed. There are significant gaps at all levels, requiring a major and concerted effort form the Council, troop and police contributors, the Secretariat and peacekeeping operations to fill them in order to strengthen the protection of civilians.

Some of the gaps will need to be addressed by other Member States. The measures to be undertaken will require political strategy and unwavering support from the Security Council. The operation measures include ensuring that critical equipment fundamental to fulfilling the mandate is made available to the missions, that contingents on the ground are properly trained and equipped before arriving at the mission area, and that they are led by commanders with the necessary resolve. Equally important is the need for troop- and police-contributors to be aware of and prepared for the difficult and dangerous environment in which they will be working. Systemic changes will have to be made, and all actors will have to meet the challenges that this entails. This will be a difficult and challenging endeavour, but a worthwhile one, as the beneficiaries of our efforts will be those who need our attention most.

I should now like to highlight for the Council some key points with regard to some parameters on the specific recommendations of the report. With regard to the language of Security Council resolutions and protection of civilian mandates, the study looked at the first usage of the "imminent threat of physical violence" language, in resolution 1270 (1999) of October 1999 relating to the United Nations Mission in Sierra Leone, and at the evolution of that language to date. The study found that this physical protection language, with its three caveats, has now become standard. This seems, in part, to be due to the fact that Security Council members continue to value precedents in writing mandates. The team assessed that the physical protection language remains confusing for those in the field while it also raises expectations. The intent of the Security Council with regard to a mission's efforts to protect civilians is often not fully understood by the Secretariat or by peacekeeping missions on the ground. It is important that members of the Security Council not only focus on getting the language of mission mandates right, but also back up peacekeeping operations with the necessary political and material support.

In addition, it has become evident that the planning that informs Security Council deliberations does not consider consistently the nature of threats to civilians. As a result, the spectrum of threats to civilians does not help to shape mission mandates, strategies, structures or resources. It may also be useful for troop- and police-contributing countries and other relevant stakeholders to provide input to the Council on a regular basis in order to inform its crafting of mandates.

I now turn to peacekeeping mission planning and Secretariat policies. The study looked at the planning process that links Council resolutions to peacekeeping deployment. In particular, it examined the guidance, preparation and planning mechanisms used to build peacekeeping operations. The study concluded that the lack of an operational concept of what the protection of civilians means for United Nations peacekeepers has hampered the implementation of this mandated task.

The study also found that troop and police contributors often have difficulty understanding how to train and equip their contingents to carry out their protection role. Even nations with well developed peacekeeping doctrines and which train others in peacekeeping often do not address the question of the protection of civilians beyond respect for international humanitarian law, support to the rule of law and human rights. As such, the Secretariat cannot rely on deriving guidance on the protection of civilians from the existing doctrine of Member States, but will have to base it on the lessons derived from the field. I believe the engagement of the Secretariat with troop- and

police-contributing countries will be of vital importance.

With regard to field implementation, the findings from the field were based on mission visits in 2008 and 2009. Mission-specific cases reveal that, without the basic prerequisites in place, such as a peace to keep, sufficient political backing from the Security Council and adequate resources, the Security Council cannot expect a mission to successfully implement a protection of civilians mandate. We also found that the role of both uniformed and civilian United Nations police units is a key area where new thinking is needed when it comes to considering their role in the protection of civilians. In general, there seems to be confusion regarding appropriate roles for uniformed police units.

Furthermore, we found that the protection of civilians has to be a holistic and multidimensional endeavour that goes beyond physical protection to include aspects such as humanitarian access, protection from gender-based violence, protection of refugees and returnees, as well as the protection of human rights.

In conclusion, I wish to thank all the Council members and the other Member States that have mentioned the report of the study in this debate today and expressed interest in reflecting upon it further. I invite all Member States, especially members of the Council, troop- and police-contributing countries and the Secretariat to give the report extended consideration. I look forward to continuing dialogue on this subject with a view to implementing the recommendations contained in the report. Finally, we welcome the draft resolution prepared by the mission of Austria. It is comprehensive and balanced and it sets out a clear path by which the international community can continue to respond to the challenge of the protection of civilians in armed conflict.

The President: I now call on the representative of Canada.

Mr. Normandin (Canada): Canada welcomes the resolution adopted today, which we had the honour of sponsoring. We congratulate Austria for its leadership in bringing this initiative forward. And we also congratulate other Council members on their work to take further steps to better protect civilians in armed conflict.

Ten years ago this fall, the Security Council marked an important turning point in enhancing the protection of civilians. Resolution 1265 (1999), as we know, was a fundamental turning point. It was the moment when the Council acknowledged that the protection of civilians was an issue central, not tangential, to its responsibilities for maintaining international peace and security. Canada argued then, as an elected member of the Council, and still does today, that if this body is to maintain its legitimacy, it must face up to today's tragedies. The Council must, of course, take the necessary political action, backed up by the range of tested non-coercive and coercive tools that can be utilized by the international community. The Secretariat and United Nations missions in the field must provide the Council with what it needs to take effective decisions. And those deploying to such missions must have the training and resources to deliver on the mandates.

On balance, important progress has been made. We have a normative framework in place, which has been buttressed by practical strategies, including on questions related to humanitarian access, child protection, sexual and gender-based violence and issues of accountability. These are all encouraging developments. And yet, it is clear that important challenges remain.

When the Council's progress was reviewed five years ago, Canada noted that, while resolutions contemplated action that was early, systematic and bold, Council responses were too often ad hoc, seldom timely and rarely pro-active. While we recognize the complexity of the issues to be dealt with, this remains a valid critique today. Implementation, capacity and the political will needed to deliver on this agenda are uneven. Peacekeeping operations, whose mandates include the protection of civilians, often lack the means and capabilities to fulfil their tasks. Mission planning and training have been weak, and civilian-military cooperation has fallen short.

We must, of course, build on good practice. In that context, we very much welcome the release of the independent study prepared for the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations. Canada was pleased to support that initiative. Its findings and recommendations can provide useful guidance in the development of new strategies, tools and techniques. We urge all Member States to consider it seriously.

(*spoke in French*)

I would now like to mention three main areas of action critical to strengthening the protection of civilians. First is the need for better planning and the mobilization of appropriate resources in the context of peacekeeping mandates. Thus, the protection of civilians must be taken into account from the start of the planning. If, from the beginning, a mission is not well designed, it will ultimately fail. Throughout the process, all challenges to protection, in particular for specific sectors of the population, including women and children, must moreover be clearly identified.

Secondly, systematic training is essential in order to fulfil that protection role effectively. Ideally, personnel should receive that training prior to their deployment, not on their arrival in the theatre of operations. Systematic protection training would help to clarify the protection mandates of missions. It would also be a good way to provide operational orientation. Civilian mission staff must also receive the necessary training, and that training must strengthen the need for accountability. Canada is pursuing that approach in various contexts, including in Afghanistan.

Thirdly, we need to enhance dialogue and cooperation on overlapping issues, such as children in armed conflict and women and peace and security. We cannot operate in silos. We can learn a great deal from our practices in each sphere of activity. For its part, Canada is helping to organize a series of conferences to promote dialogue among Member States on the future of peacekeeping operations. We hope that that will also contribute to breaking down the silos in those various fields.

Before concluding, I wish to take this opportunity to emphasize the importance that Canada attaches to safe and unhindered access by humanitarian workers to populations in need, as well as to the safety and security of all humanitarian actors. In that regard, I wish to pay tribute to United Nations staff and associated personnel, who are increasingly the target of belligerents, as we have recently seen in Pakistan and Afghanistan. We must be sure to set up strategies and measures that make it possible to reduce the number of those attacks and to hold the perpetrators accountable for such crimes, where necessary.

This tenth anniversary is clearly the opportunity to review both our achievements and what remains to be done in order to protect civilians in armed conflict. To that end, I urge the Council to resolutely continue its action towards achieving concrete results in the field. As always, the success of our efforts is measured by the number of lives saved and the population displacements prevented.

The President: I now give the floor to the representative of Morocco.

Mr. Loulichki (Morocco) (*spoke in French*): My delegation is pleased to take part in this debate on the protection of civilians in armed conflict, in which Austria and you, yourself, Mr. President, have invested a great deal. As the Secretary-General pointed out this morning, this debate, enriched by the learned briefings of Mr. John Holmes and the Deputy High Commissioner for Human Rights, shows that this topic, which has been on the Security Council's agenda for 10 years, rightly continues to be among its priorities.

However, we must point out that, despite all the efforts at the international level, civilian populations continue to be the victims and the primary targets in situations of armed conflict. Their rights are scorned and violated in breach of international humanitarian law and the main human rights instruments. That disconnect between the norms and their implementation on the ground arises, inter alia, from the fact that the concept of the protection of civilians brings into conflict fundamental principles of the Charter, which are at the basis of international relations, and puts at stake the primary responsibility of States whose citizens need protection and the responsibility of the international community, which involves the obligation to assist and support the efforts of the State, including in implementing the demobilization and reconstruction process.

While the protection of civilians includes and involves a number of national and international governmental and non-governmental actors, the role of the Security Council takes on particular importance, given the Council's responsibilities recognized by the Charter as the principal organ entrusted with the maintenance of international peace and security. Thus, the Council's consideration of the protection of civilians should, in our view, be part of a comprehensive approach to the integrated settlement of conflict situations, taking into account their characteristics, their environment and their underlying causes.

Indeed, in most cases, intra-State armed conflicts and armed insurgencies are the result of frustration brought about by poverty, the poor distribution of wealth and rivalries of all kinds. Such conflicts, fuelled by trafficking in persons, arms and drugs, affect above all women, the elderly and children, in addition to the threats that they pose to regional and international security.

The undeniable importance and urgency of providing an appropriate response to serious attacks on the physical integrity and security of civilian populations should not allow us to forget the dual need for the Council not only to make progress in the political settlement of conflicts and disputes, but also to act in advance and to take appropriate preventive action to defuse potentially dangerous situations. For that, a fundamental and essential condition must be met: the positive cooperation of neighbouring States and the entire region in order to, on the one hand, ease the plight of civilian populations taken hostage by the dispute or the conflict and, on the other, to shoulder the responsibility arising from being a neighbour and from international obligations under international humanitarian law and refugee law.

Enhancing efforts to prevent and resolve conflicts by peaceful means, as well as in peacebuilding, in countries emerging from conflict are ultimately the best way to prevent conflicts from worsening or recurring and thus putting innocent civilians at risk. Against that background, no one can deny that one factor leading to the escalation of armed conflicts and physical and psychological harm to civilian populations, in particular their most vulnerable sectors, is the proliferation of and illicit trade in light weapons. The harmful effects of those arms require resolute action by the international community to put them beyond the law and to bring about their elimination.

The President: I now give the floor to the representative of Afghanistan.

Mr. Tanin (Afghanistan): I would like to thank the delegation of Austria for convening and chairing this meeting, and to congratulate you, Sir, on your assumption of the presidency of the Council for the month of November. Today in particular I would like to thank the Foreign Minister, Mr. Spindelegger, for making the issue under discussion such a priority, and for his presence here today. I would also like to thank the Secretary-General and Under-Secretary-General John Holmes for their statements.

This week Europe and America commemorate the ends of two world wars, international conflicts conducted between States and empires. Since then, the nature of conflict has evolved. Where 60 years ago State actors were the central players in international war, today asymmetric warfare with non-State actors is increasingly common. Now, children walk into markets with bombs strapped to their chests. Girls become targets just for trying to go to school. Aid workers are threatened specifically because they do so much good. The protection of civilians is an issue of growing importance for us all.

The Geneva Conventions, signed 60 years ago, remain central to our understanding of our responsibilities in conflicts. But in Afghanistan, our enemies do not respect even these most basic rules of war. The Taliban, Al-Qaida and other terrorist groups show complete disregard for human life; even more, they deliberately target anyone, civilian or military, who does not embrace their extremist philosophy. They target those with no conceivable military connections: teachers, health care workers, students on their way to school. It is estimated that as a result of terrorist activities more than 5,000 people were killed, injured or kidnapped in Afghanistan in 2008 alone. These groups cannot hope to defeat the world's greatest armies with their military strength. Their strength lies rather in their brutality and viciousness, which they use to lend an atmosphere of control and inevitability to their fight. The Taliban will never be able to provide security, governance or development. Their goal is not to build an alternative State; their goal is to prevent any State from being built.

Civilian casualties in this fight are both a human and a political tragedy. The human tragedy is obvious: from January to August this year, the United Nations Assistance Mission in Afghanistan (UNAMA) recorded the deaths of 1,500 civilians in the country, an increase of 24 per cent over the same period in 2008. Sixty-eight per cent of these attacks can be attributed to the Taliban, Al-Qaida and other terrorist organizations. This percentage has grown steadily as the terrorists rely increasingly on bombs and indiscriminate attacks.

The political costs are more subtle but equally damaging. The Taliban's main tactic is to encourage the alienation of the international community from the

Afghan people. The people of Afghanistan know from past experience exactly how brutal and repressive the Taliban are, and they show consistent resistance to them. However, they have higher expectations of the international community. Afghans want to see their Government and our international partners acting as their protectors. When we fail to protect and respect the Afghans, the Taliban and their allies use the people's disappointed expectations to strain the partnership that is so central to this fight and damage our ability to earn the trust and engagement we need to succeed.

We should adopt a strategy that values the protection of people, respects their lives, rights and property, and enables positive and constructive interaction with local communities. We fully support the new NATO strategy, which emphasizes the protection of civilians and introduces important follow-up mechanisms to ensure accountability. We appreciate the increased sensitivity that has been shown in response to concerns about the conduct of searches and arrests, and we support other strategic changes that have been proposed to improve protection of civilians. Moreover, we stress the need for an increased emphasis on training the Afghan National Security Forces. Afghans are eager to take increased responsibility for the security of their country and the protection of their people. Unfortunately, a lack of capacity and resources continues to hobble our progress; we hope to address this with the international community in the coming years.

We appreciate the steadfast condemnation voiced by the Security Council in response to terrorist attacks around the world, and in particular the Council's strong and unwavering support for UNAMA following the appalling attacks in Kabul on 28 October. Groups that deliberately target civilian populations should continue to be strongly condemned in this Organization, and their unwillingness to obey even the most basic rules of combat should strip them of any legitimacy in our eyes.

The blood of Afghans has been continuously spilled amid 30 years of local, regional and global power struggles. In 2001 we undertook to rebuild this shattered country and ensure that it could never again be used as a launching pad for regional or international terror. As I mentioned on Monday at the 40th plenary meeting of the General Assembly, eight years ago we were debating how to build what did not exist. Today we are debating how to take what we have built and make it better. That is a substantial achievement.

Nevertheless, violence still threatens the lives of Afghan civilians. International military forces should take all necessary measures to ensure the protection of civilians, and we have a shared responsibility to condemn with the utmost severity any attack by the Taliban, Al-Qaida or their allies that targets civilians or results in civilian deaths. We must enforce the rules of war that bind us all and make it clear to our enemies that targeting civilians will only alienate them further from the international community and from the population they seek to control.

The President: I now give the floor to the representative of the Bolivarian Republic of Venezuela.

Mr. Valero Briceño (Bolivarian Republic of Venezuela) (*spoke in Spanish*): Allow me to congratulate you, Mr. President, on behalf of my delegation, on having organized this debate on a subject of such pertinence.

The Government of Colombia, according to official statements broadly published in the press, has brought to the Security Council accusations against the Government of the Bolivarian Republic of Venezuela under President Hugo Chávez Frías. This was confirmed to the EFE news agency by the President of the Council, Ambassador Thomas Mayr-Harting, Permanent Representative of Austria to the United Nations.

Since today we are discussing the protection of civilians in armed conflict, the Bolivarian Government would like to take this opportunity not only to refer to the subject at hand, but also to the installation of seven foreign military bases in Colombia and its implications for the protection of civilians and peace and security in our region.

Venezuela, fortunately, has no armed conflict requiring the protection of civilians. Our country, however, has a progressive policy of protection for civilians from other countries: displaced persons and refugees alike. Venezuela has received the greatest number of displaced persons and refugees as a direct result of the uninterrupted internal armed conflict that has plagued Colombia for more than 60 years. A significant number of the 4 million Colombian men, women and children in Venezuela have fled violence in their country. According to the "2008 Global Trends"

report of the Office of the United Nations High Commissioner for Refugees (UNHCR), Colombia has more than 3 million internally displaced persons and "continues to have one of the largest IDP populations in the world".

The Government of Venezuela therefore signed, on 18 January 2008, an agreement with UNHCR to provide microcredit to Colombian refugees who are in our country, benefiting more than 200,000 people. Colombians coming to Venezuela are offered all of these Government social programmes free of charge.

The establishment of United States military bases in Colombia threatens peace in the region and extends the Colombian diaspora into many countries, in particular neighbouring countries. The establishment of these military bases cannot be separated from the impact that they will have in terms of increasing the number of refugees and displaced persons.

The countries of our region, despite our differences, live in peace, a peace that has only been interrupted in recent years, when Colombian military forces invaded Ecuador. That invasion was categorically condemned by the twentieth Summit of Heads of State and Government of the Rio Group, held in Santo Domingo, Dominican Republic, on 6 and 7 March 2008. The President of Colombia, Álvaro Uribe, in an alleged act of repentance, pledged that his Government would never again engage in belligerent action against any country on the continent. The leaders of the Rio Group therefore stated:

> "We note, with satisfaction, the full apology that President Álvaro Uribe offered to the Government and people of Ecuador, for the violation on March 1, 2008, of the territory and sovereignty of this sister nation by Colombian security forces."

I would like to inform you, Sir, and all the other members of the Council that the establishment of the United States military bases in Colombia is disrupting the peaceful coexistence of nations by creating a dangerous geo-strategic reality that may provoke conflict on a massive, continent-wide scale. These military bases will turn Colombia, as stated by Commander Fidel Castro, into an overseas territory. An official document of the United States Air Force from May 2009 states that the Palenquero base, one of the seven military bases that will be installed in Colombia, will help with the task of mobility by ensuring access to the entire continent of South America, with the exception of Cape Horn, if fuel is available, and over half of the continent without having to refuel.

Venezuela would like to state here the danger that this expansionist plan of the United States Government represents, which aims to transform Colombia into an enclave for political, economic, cultural and military domination over the entire continent. The United States military presence in Colombia claims to be justified by the fight against drug trafficking and terrorism. However, the former President of Colombia, Mr. Ernesto Samper Pizarro, claims that "these bases are not to combat terrorism and drug trafficking in Colombia". With regard to the C-17, P-3 Orion and AWAT aircraft that the United States Government will transport to its military bases in Colombia, President Samper said,

> "My God! This is a carrier for electronic surveillance for the hemisphere. That is what not only Venezuela but also Brazil and the countries of the Union of South American Nations (UNASUR) fear, with reason."

The South American Governments have expressed concern about the establishment of United States bases in Colombia. At the UNASUR summit held in Bariloche, Argentina, on 28 August 2009, heads of State stated that,

> "The presence of foreign military forces cannot, with the means and resources dedicated to their stated objectives, threaten the sovereignty and integrity of any South American nation and therefore peace and security in the region."

This is also cause for concern in the United States, as evidenced by the letter dated 28 July 2009 that Senators Patrick Leahy and Christopher Dodd sent to Secretary of State Hillary Clinton.

Venezuela and Colombia were born at the same moment in the history of the Americas, after the battles of Boyacá and Carabobo, under the leadership of our liberator, Simón Bolívar. The Bolivarian Government yearns for peace in Colombia and throughout the region. That is why President Hugo Chávez Frías has always offered his assistance to achieve peace in this neighbouring country.

Plan Colombia has failed. Drug trafficking has increased its influence in Colombia and has cornered major levels of the Colombian State and its institutions.

If our Central American brothers, who lived through bloody armed conflicts, were able to achieve peace, how is it that the people of Colombia continue to suffer under this painful military confrontation?

The answer is very simple. Central Americans opted for dialogue and political negotiations as a means of reaching peace. The Colombian Government, however, persists in waging war. That Government would rather give up its sovereignty than accept that there is an internal armed conflict in their country that is causing horrific displacements of human beings. The armed conflict in Colombia has left over 100,000 dead.

Allow me to conclude by stating that the Bolivarian Government is a Government of peace. Only once in our history has our army gone beyond the borders of our country, and it was to contribute to the struggle for independence and freedom of our neighbouring countries.

The President: I now give the floor to the representative of Indonesia.

Mr. Kleib (Indonesia): Let me begin by joining previous speakers in extending our appreciation to you, Mr. President, for convening this open debate on such an important subject. We thank the Secretary-General for his statement, and we are also grateful to the Under-Secretary-General for Humanitarian Affairs and the Deputy High Commissioner for Human Rights for their respective briefings.

My delegation also wishes to associate itself with the statement delivered by the representative of Egypt on behalf of the Non-Aligned Movement.

Every year, thousands of civilians fall victim to armed conflict. Their plight should always be our concern. It is our shared responsibility to alleviate their suffering wherever it occurs. The United Nations Charter unmistakably highlights this obligation.

This year marks the tenth anniversary of the Security Council's initial consideration of this issue and the sixtieth anniversary of the Geneva Conventions. The nature of armed conflict has evolved since then, as have its causes and consequences. The wisdom that inspired the old Geneva Conventions should be renewed as the path to be taken to address the current circumstances. Likewise, it is a time to reflect on the achievements and on improvements that can bring about tangible results.

The past 10 years of the Council's consideration of this issue has set out a robust international normative framework and provided a wealth of experience and best practices. In spite of that, tremendous challenges still lie before us.

One of the most difficult tasks in the protection of civilians is the increasingly blurred line between armed groups, combatants and civilians. The lack of clarity has cost civilian lives. There is also the proliferation and fragmentation of non-State armed groups. Another key issue is the increasingly asymmetric nature of armed conflict, where the principles of distinction and proportionality are being violated. These challenges serve to highlight the need for reinvigorated commitment and determined comprehensive action.

In this connection, we wish to highlight two of the three thematic areas in the President's concept paper (S/2009/567, annex), related to the five core challenges described in the Secretary-General's report (S/2009/277).

On strengthening the rule of law, enhancing compliance and ensuring accountability, Indonesia is cognizant of the fact that the key cause of failure in the protection of civilians in armed conflict stems from the lack of compliance and accountability by parties to conflict with respect to their moral and legal obligation to protect civilians. Indonesia stresses that when it comes to the protection of civilians, all parties to the conflict have equal responsibility. There are no distinctions in responsibility. There is one single responsibility. Everyone must adhere to that fundamental principle.

Indonesia values the constructive developments we have seen towards strengthening compliance and ensuring accountability through building national capacity. Only through this avenue can we, the international community, prevent the emergence of atrocities committed against civilians. Should local institutions fail to discharge their duty in the first instance, no amount of international assistance and effort can bring long-term results. Our focus and our dedication should be on strengthening local institutions.

The role of Member States in promoting compliance and accountability through domestic legislation and legal means is a vital building block in the prevention of violations against civilians; it merits

increased support. We look forward to further developing other means and tools to strengthen national capacity. Due regard should continue to be paid to the special needs of women and children.

On improving the implementation of protection mandates by peacekeeping missions, Indonesia recognizes the role of peacekeeping missions in improving protection of civilians on the ground. We note that much more needs to be done in responding to situations where conflict may potentially re-emerge or has already re-emerged. Thus, we note with interest the detailed analysis conducted by the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations. That study's key findings and recommendations should be thoroughly discussed by the troop-contributing countries, the Secretariat and the Council working together.

We also value the effort to ensure that the protection of civilians is given high priority in decisions concerning the use of available capacity and resources in the implementation of mission mandates. We believe that these are vital steps for bridging the disconnect between mandates, intentions, expectations and capacity challenges to real implementation, as highlighted by the Secretary-General's report.

My delegation is fully convinced that a more effective measure for the protection of civilians is the prevention of conflict itself. This approach entails addressing the root causes of conflict. Resolution 1265 (1999) explicitly expressed the need to address the causes of armed conflict in order to enhance the protection of civilians on a long-term basis.

Finally, let me reiterate that the protection of civilians is a universal and timeless issue. Generation after generation has sought to find effective measures for protecting civilians from the looming danger of armed conflict. Our current discussion is part of that long and unbroken chain of efforts. Today's discussion is a way to reinvigorate us and encourage the quest for new solutions to address the issue and to strengthen existing mechanisms.

The President: I now give the floor to the representative of Georgia.

Mr. Tsiskarashvili (Georgia): At the outset, on behalf of my delegation, I wish to express my gratitude to the Austrian presidency of the Security Council for this opportunity to address an issue that, unfortunately, reflects problems in many parts of the world. I would also like to take this opportunity to welcome the statement by the Secretary-General on this subject.

While Georgia has aligned itself with the statement made by the Swedish representative on behalf of the presidency of the European Union, I would like to take this opportunity to stress some additional points.

The recent developments in my country confirm that when a State is in constant breach of norms of international humanitarian law and voluntarily accepted international commitments, the result is human suffering and ethnic cleansing.

Five months ago, we all had an opportunity to address this matter at an open debate here in this Chamber (see S/PV.6151 (Resumption 1)). At that time, my delegation provided the Council with detailed information on civilians living under foreign occupation in two regions of my country, Abkhazia and the Tskhinvali region of South Ossetia. We also offered a rationale for the actions of one permanent member of Council, which consecutively vetoed the presence of two international monitoring missions in Georgia. Unbiased and qualified international monitors would have provided a clear assessment of the situation on the ground. Once again, the veto of one permanent member led to the failure to create an objective source of information for the international community.

Since our statement five months ago, nothing has changed. Ethnicity-based violations and other gross and massive violations of human rights law and humanitarian law happen on a daily basis. During the past several days alone, four Georgian teenagers, aged 14 to 16, were kidnapped from a village located near the occupation line and charged with terrorist activity. Earlier today, in addition, five citizens who happened to be fishing in Georgian territorial waters controlled by the central Government were kidnapped on charges of so-called illegal fishing and are being held in custody. Only a couple of days ago, 16 men were released after being arrested for simply cutting down trees in a forest that is, again, close to the occupation line.

These deplorable provocations coincided with the eighth round of talks in Geneva, where the European Union, the United Nations and the Organization for Security and Cooperation in Europe are trying to

facilitate a dialogue between the parties to achieve a peaceful solution of the problem. The previous rounds in Geneva showed nothing but the unwillingness of our northern neighbour to engage itself in a substantive dialogue.

I would like to draw the Council's attention to the problem of humanitarian access to civilians in need of assistance. In the Tskhinvali region of South Ossetia, the occupying forces continue to block access for humanitarian aid and international humanitarian actors, which obliges missions to enter the Tskhinvali region exclusively from the territory of the Russian Federation. This policy represents yet another breach of the principles of international humanitarian law, as well as of paragraph 3 of the European Union-brokered ceasefire agreement of 12 August 2008.

Notwithstanding the protests of numerous international organizations against this discriminatory policy, the policy persists. The blockade turns the territory into a black hole, where people are deprived of their basic rights and where humanitarian aid is simply not allowed. The continuation of the current state of affairs cannot be tolerated by the international community.

In conclusion, let me assure the Council that my country stands ready to work with the international community in order to ensure that real progress in protection of civilians becomes a reality.

The President: I now give the floor to the representative of Sri Lanka.

Mr. Kohona (Sri Lanka): Mr. President, I join previous speakers in expressing appreciation to you for convening today's open debate and for the useful concept paper highlighting the thematic issues under focus (S/2009/567, annex). We also thank the Secretary-General, Under-Secretary-General Sir John Holmes and the Deputy High Commissioner for Human Rights for their briefings.

During the debate last June (see S/PV.6151), we focused on the report of the Secretary-General on the protection of civilians in armed conflict (S/2009/277). My delegation is of the view that the protection task cannot be understood and addressed solely in humanitarian terms, as it requires us to examine a multiplicity of different areas ranging from politics to human rights to disarmament. As we mark the tenth anniversary of the Security Council's initial consideration of this issue, we can acknowledge that progress has been achieved in establishing a normative framework. Unfortunately, however, the politicization and selectivity that characterize the debate have affected credibility. That has called into question the humanitarian concerns expressed by some for the plight of civilians affected by armed conflict. Even the Secretary-General's report does not manifest a consistent approach to protection issues.

At the outset, let me state categorically that Sri Lanka is deeply committed to the protection of human rights and the implementation of international humanitarian law. During almost three decades of combating terrorism in our country, we have taken the utmost care to draw a close distinction between civilians and terrorists. We are engaged closely with the international community and related human rights and humanitarian mechanisms, United Nations agencies, the International Committee of the Red Cross and local and international non-governmental organizations (NGOs). That close cooperation has extended to the aftermath of the conflict, in providing for the needs of the displaced population. We also welcome the progressive strengthening of this concept by the international community over the past decade, including through focusing on vulnerable categories such as women and children.

The normative framework on civilian protection cannot be applied in a theoretical manner regardless of circumstances. The nature of contemporary conflict has posed new challenges to the commitment of the international community to the protection of civilians. Many of today's conflicts take place within States, and involve non-State armed groups. Sri Lanka's observations relate in particular to the challenges we have faced in protecting civilians in the context of an internal conflict involving a ruthless terrorist group, namely, the Liberation Tigers of Tamil Eelam (LTTE).

In Sri Lanka, the LTTE terrorist group made the Tamil civilian population a part of its military strategy. That posed extraordinary operational challenges to our security forces in engaging and combating that terrorist group while ensuring civilian protection. The terrorists' inhuman strategy was to create a situation conducive to large-scale civilian casualties by herding civilians to form a human shield and by placing heavy guns in their midst.

This terrorist group continued to forcibly conscript civilians — including children, some of whom were under 12 years of age — and used them as combatants and forced labour. They even withheld food supplies sent to civilians by the Government and diverted those supplies for use by their armed cadres. That challenged our Government in many ways. Civilians being held hostage by the terrorist group were our own people, towards whom we had consistently applied a zero-casualty policy.

Our troops were trained to distinguish between combatants and civilians. The protection and liberation of civilians from the clutches of the terrorist group was the highest priority. Our security forces, consistent with their orders, had no choice but to intervene to rescue civilians by creating a safe passage for them. That operation was done at tremendous cost to the lives of our own service personnel, as only infantry action was used in order to ensure the rescue of civilians. Our security forces at all times did not use disproportionate force. The eagerness with which civilians fled to Government-controlled areas bears testimony to the reputation they had established for themselves. At the same time, we established facilities to host internally displaced persons (IDPs) well ahead of their rescue. In that way, we averted the humanitarian catastrophe that some had predicted.

In that context, the challenges posed by terrorism in many parts of the world today may necessitate a re-evaluation of the rules of military engagement. Many of the rules of war are based on the presumption that the parties to a conflict are conventional armies of responsible States engaging other States. But terrorists totally disregard those laws and principles as they wage asymmetric warfare. They mingle with and use civilians to achieve their goals. Once again, the practical realities based on the experiences of Member States must be seriously looked at, instead of undertaking a theoretical application of humanitarian norms to all situations.

It is also necessary to examine the causes for the escalation of armed conflict. The proliferation of illicit arms has contributed significantly to the spread of violence and terrorism everywhere. Unless we are able to stop the proliferation of arms, as agreed by Council resolution 1612 (2005), civilian safety will remain at stake and our best efforts to deal with the humanitarian consequences of conflicts will soon exceed existing capacities and available resources. Many States in our region are affected by internal armed conflicts. While control measures can be imposed, albeit selectively, on States legitimately engaged in protecting their civilian populations from terrorists, non-State actors such as terrorist groups have relatively easy access to illicit weapons. That is because there is no dedicated international regime to monitor and conduct surveillance, let alone interdict, such illicit arms supplies.

On the other hand, external actors such as diaspora communities openly fund arms purchases aimed at destabilizing States, while they receive support and protection in their host countries and their criminal agents cross international boundaries at will. The legal frameworks of democracies designed to safeguard the rights of law-abiding citizens are exploited to carry out their illicit activities. The smuggling of arms across international waters and across boundaries continues to render regimes such as those established in resolution 1373 (2001) rather ineffective in this area.

In his report, the Secretary-General refers to enhancing compliance by non-State armed groups as one of the challenges in strengthening the protection of civilians. In our experience, that expectation has proved to be unrealistic when dealing with a ruthless organization that, in its perverted logic, advances its political objectives by causing large-scale civilian casualties. While the report encourages engagement with non-State armed groups, terrorist groups pay lip service to humanitarian principles, and often ruthlessly misuse such principles as cover for further violence.

There is also a need to recognize the legitimate role of the military in civilian protection. It is noteworthy that protective responsibilities are part of the mandate of United Nations peacekeeping forces, as per resolution 1674 (2006). The role of Governments in the protection of civilians should be respected, as it is their primary responsibility to protect their own citizens. The United Nations and humanitarian agencies must support and assist Governments. In doing so they should be sensitive to realities on the ground, including by respecting the sovereignty of States. Access for humanitarian personnel must also be respected, but one cannot disregard the State's responsibility to ensure the safety and security of humanitarian personnel.

Terrorists do not distinguish between military and humanitarian personnel. The assumption that civilians can best be protected and cared for only by civilian humanitarian workers from overseas and specific NGOs that originate in particular regions of the world contradicts the training provided to our armed forces to respect humanitarian law at all times and to handle peacekeeping responsibilities. Often, local NGOs and their local staff who render yeoman service do not get the recognition that they deserve.

An inevitable consequence of armed conflict is internal displacement. The Secretary-General's report brings out the concern that internal displacement worldwide is on the rise. According to United Nations reports, there are some 26 million IDPs throughout the world. Internal displacement poses several challenges, key among them is that armed groups use displacement to exploit civilian populations, sometimes by hiding among them and by seeking to regroup and recruit. The State has the primary responsibility not only to provide for the welfare of displaced civilians in terms of food, clothing, medical care and shelter, but also to ensure their safety, in keeping with the provisions of the Guiding Principles on Internal Displacement. The Guiding Principles fully recognize the right of national authorities to screen IDPs and, where their safety and security is at stake, to restrict their movement for a temporary period.

The resettlement issue is also politicized. In my country, we have resettled nearly 156,000 IDPs out of a total number of 294,000. We did so within five months of concluding a 27-year-long conflict. Further resettlement necessitates clearance of uncharted minefields laid by the terrorist group in civilian areas, farmlands and roads. It is estimated that the terrorist group laid around 1.5 million landmines. We also have to remove unexploded ordnance and booby traps, quite apart from the reconstruction activities that would create favourable conditions for resettlement in secure surroundings and meet the resettlement criteria of the Office of the United Nations High Commissioner for Refugees.

Later this week, Under-Secretary-General Holmes will travel to Colombo at the invitation of our Government to witness and assess the resettlement of internally displaced persons. We are confident that most of the internally displaced persons will go back to their homes by the end of January, making it one of the fastest resettlement operations in recent history. We hope this could soon be cited as an example of best practice.

My delegation hopes that the Council discussion on protection of civilians will facilitate practical decisions based on realities on the ground and inspire all of us to invest greater efforts in preventing conflicts and their recurrence and to respond practically and proportionately to situations affecting civilian populations. For that reason my delegation has sought to share our experience from the early part of this year.

In conclusion, we would like to acknowledge the valuable contribution of the United Nations agencies, particularly the Office of the Emergency Relief Coordinator and the Office for the Coordination of Humanitarian Affairs, and other national and international partners in providing support and assistance to Governments, including Sri Lanka, and the Austrian presidency for convening this discussion today.

The President: I give the floor to His Excellency Mr. Dhruva Narayana Rangaswamy, Member of Parliament and member of the Indian delegation.

Mr. Rangaswamy (India): India would like to thank the Austrian Presidency for organizing this thematic debate on the protection of civilians. I am making a short statement in the interest of the economic use of time and a more detailed statement is being circulated.

The operational reasons behind the inability of the United Nations to fully translate the Security Council's intent to protect civilians on the ground have been spelled out with clarity and precision by the independent study commissioned by the Department of Peacekeeping Operations (DPKO). My delegation believes that the primary gap concerns resources. For example, 17,000 peacekeepers are simply inadequate for the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC). There is no way that this number of troops can provide meaningful support to national authorities in an area of responsibility the size of Western Europe.

We have learned that the presence and activities of high-quality troops acts as a significant and effective deterrent to those who wish to harm civilians. It stands to reason that an increase in the number of troops is the first requirement. It also stands to reason that troops require proper equipment and enablers. India is one of

the leading providers of air assets to MONUC and can attest to the efficacy of air assets as enablers. It is somewhat surprising that the United Nations and the Security Council are unable to generate the required air assets.

I refer to the need for accountability mentioned in the concept paper circulated by the Austrian presidency (S/2009/567). My delegation believes that there should be accountability of those who mandate. Their responsibility does not end with the generation of mandates. They should be held accountable if unachievable mandates are generated for political expediency or if adequate resources are not made available.

The development of normative frameworks must also take into account the question of accountability. These frameworks must be accompanied by mechanisms to enforce those norms. The deficit in the willingness and ability to enforce will inevitably lead to an erosion of credibility. There must also be accountability for this.

The Security Council must make up its mind about what it means by protection of civilians. It must have clarity about who is to be protected and what constitutes a threat. It must also clarify what kind of response it expects and who is to respond. It must, for example, be able to differentiate between threats that require a military response and those that require a rule of law response. It should not ask force commanders or their soldiers to assume policing responsibilities. The Security Council must also be clear that its responsibility for protecting civilians does not end with a military or police response. Civilians require humanitarian wherewithal for survival. Protection of civilians requires a more integrated view. Multiple stakeholders are involved, not just the military.

The concept to be developed should be one that can be translated into targets on the ground. It must be able to quantify the problem and articulate actions that need to be taken. Only then will we be able to measure progress or the lack of it.

My delegation suspects that the Council will find it difficult to address this issue. Development of indicators and norms requires uniform application of the law. The Security Council cannot do justice to its role if it discusses protection of civilians in some operations and not in others.

The Council needs to develop a clearer idea of operational realities. This information gap cannot be addressed without meaningful and substantive consultations with troop- and police-contributing countries. Even though there is a relative lack of appreciation — on the part of the Council and many so-called humanitarian actors — of the troops' initiative and dedication to humanitarian principles, it is a fact that there is progress on the ground. Many contingents have ideas and concepts that can be effective. An effort by MONUC's Indian Brigade to distribute cell phone hotline numbers within their area of operation has led to a significant increase in reported incidents of violence and the consequent deployment of troops to pre-empt or deter attacks. This has also lead to creation of databases of malefactors and their movement patterns. That is an example of the kind of intelligence capabilities that are key requirements for increased effectiveness.

National capacities need to be strengthened. Peacekeepers cannot and should not protect everyone from everything. The protection of civilians is a national responsibility, and peacekeepers are there to aid in the development of these national capacities. Capacities and institutions must be relevant to the realities of the area in which United Nations operations are deployed. The experiences and capabilities of developing countries, particularly those that have gone through successful nation-building exercises, are of great significance in this regard. The Security Council must find ways and means to harness those capacities.

The President: I now give the floor to the Permanent Representative of South Africa.

Mr. Sangqu (South Africa): Allow me to congratulate the Austrian delegation on its assumption of the presidency of the Security Council for the month of November. We also express our thanks for the convening of this open debate on this important matter. We wish to welcome the personal participation of the Austrian Minister for Foreign Affairs and also thank Mr. Holmes for his briefing.

The primary responsibility for the protection of civilians lies with sovereign States. But in situations of conflict, the protection of civilians lies at the heart of United Nations activities and operations, including its peacekeeping missions. The ability of the United Nations to protect civilians is widely seen as a test of the Organization's relevance and legitimacy in the eyes

of ordinary people in times of crisis. While the United Nations cannot be an absolute guarantor for the safety and security of civilians within its areas of operations, all Member States have the responsibility to ensure that civilians are protected during armed conflict.

The deliberate targeting of civilians in armed conflicts, together with the indiscriminate use of force, gender-based violence, forced displacement, lack of safety and access to humanitarian personnel, all have a devastating effect on civilians and wide ramifications for their societies.

As we mark the tenth anniversary of the consideration of the protection of civilians in armed conflict by the Security Council, we should seize this important opportunity to take stock of the progress made on the efforts to enhance protection, help those in need and address the major challenges that lie ahead. In resolution 1265 (1999) on the protection of civilians in armed conflict, the Council expressed its willingness to consider how peacekeeping mandates might better address the harmful impact of conflicts on civilians. We are therefore pleased to note that United Nations peacekeeping mandates not only address the protection of civilian in conflict situations, but are also specific in addressing the protection needs of the most vulnerable groups, such as women and children.

This year, South Africa celebrated its ten years of participation in peacekeeping within the Southern Africa region, on the continent and in the world at large. This afforded us the rare opportunity to assess our contribution, take stock and plan for the future. In all, we are proud of the opportunity given our country's men and women in uniform to contribute to the achievement of peace in other parts of the world. We pledge to continue to make our contribution, within available resources, for we know peace is indivisible. Our own peace, security, stability and prosperity are inextricably linked to peace and security all around the globe.

However, we have also drawn critical lessons from our participation in missions such as those in the Democratic Republic of the Congo, Burundi and elsewhere, especially with regard to the principal task of protecting civilian during conflicts. Our direct experience informs us that the failure to protect civilians derives from a number of factors, the most important of which is the question of the limited resources available to United Nations peace missions deployed in specific circumstances. By resources we also mean sufficient and clear mandates equal to the posed threat, capacity and capabilities provided to peacekeepers to deal with any eventualities that will give rise to the need to protect civilians. We believe that a lot remains to be done to match the constant and evolving threats that civilians face in conflict situations with the capacity and resources provided to United Nations peacekeeping missions.

This situation is compounded by the vague mandates that this Council issues, the lack of a clear political framework within which those missions are expected to deploy, the lack of clear identification of civilians needing protection and their specific needs, and the lack of coordination and cooperation — and at times even competition — among members of the international community in the areas of operation. We therefore subscribe to the view that improving the protection of civilians is not purely a matter of physical threats alone; it should be approached from a holistic point of view that should include humanitarian, human rights, rule of law, political, security, development and other threats facing civilians as a result of conflicts. The United Nations must do more to achieve a coordinated and coherent response to this challenge. We therefore concur with the report of the Secretary-General on the protection of civilians in armed conflict (S/2009/277) that protection of civilians is not a military task alone. Rather, it is a complex effort requiring coordinated efforts from all parts of the United Nations system and the wider international community.

We are also of the firm view that the protection of civilians should be addressed in partnership with regional organizations, through regional mechanisms and enhanced dialogue and cooperation between the Security Council and regional organizations. As the responsibility of peacekeeping in Africa is increasingly being shouldered by the African Union, the ongoing capacity and resource limitations pose a great challenge to effective protection of civilians at all levels. It is with that consideration in mind that South Africa renews Africa's call to the United Nations and international community to provide the African Union with flexible, predictable and sustainable financial assistance when deployed to keep peace.

We will conclude by adding that civilians in conflict situations need and expect the same attention and assistance from the United Nations and the

international community, wherever they may be in the world. The Security Council should not allow the hopes of others to be extinguished as it bears witness to their demise from hunger and disease, whilst others receive the utmost attention. Our approach to the protection of civilians should be holistic and indiscriminate. The people and civilians in conflict situations such as Somalia and the occupied Palestinian territory also look up to this Council for assistance and protection. We call on the Council to shoulder its Charter responsibilities in this regard.

South Africa, as a signatory to the Geneva Conventions of 1949 and its Additional Protocols, wishes to underline the importance of adhering to the principles contained therein, and we call for the full implementation of the commitments made by all States parties to those basic texts of international law. We therefore hope that the process of addressing the challenges of protecting civilians in armed conflict will be undertaken in ways that contribute to increased respect for the principles of international humanitarian and human rights law.

The President: I now give the floor to the Permanent Representative of the Republic of the Sudan.

Mr. Mohamad (Sudan) (*spoke in Arabic*): My delegation associates itself with the statement presented by the Permanent Representative of Egypt on behalf of the Non-Aligned Movement, and we would also like to associate ourselves with the statement that will be presented by the Permanent Representative of Zambia on behalf of the African Group.

I would like at the outset of my statement to congratulate the Permanent Representative of Austria on presiding over the Security Council for this month, while expressing my appreciation for his concern in dedicating today's deliberations to the theme of the protection of civilians in armed conflict. My thanks are also due for the concept paper that was circulated to enrich the deliberations on this item, bearing in mind the fact that ten years have passed since the Secretary-General delivered his first report on the protection of civilians in armed conflict (S/1999/957) to your Council. We are still hopeful that the current deliberations of the Security Council on this subject will lead to the crystallization of a comprehensive approach and a distinct, objective vision of the optimal means of protecting civilians, foremost among which must be uprooting the causes of armed conflicts. Avoiding the causes of conflicts and supporting integrated comprehensive political settlements constitute the best safeguard of the protection of civilians. As we say, prevention is better than cure.

Needless to say, atrocities and threats against civilians are no longer merely a matter of violence and displacement but have now escalated, in the blatant aggression against Gaza, into more devastating and destructive acts in a manner that has alarmed humanity at large. Indeed that assault represents an unprecedented transformation in the targeting civilians using the most modern of lethal technologies that the death-and-destruction machine has come up with, including cluster and phosphorus bombs, in addition to all other internationally prohibited weapons, producing scenes that have upset the conscience of the world in a manner that has put the credibility of this Council at risk as regards the seriousness with which it deals with the protection of civilians in armed conflict. Today's deliberations may help us to find a way out of this complex maze of prejudice and double standards in tackling this matter.

The recommendations of the Secretary-General and all his relevant reports have focused on the importance of activating and increasing the capabilities of United Nations peacekeeping missions in the field of the protection of civilians. However, the reality of practical experiences in a number of countries has evidently shown that, when peace on the ground does not exist to be maintained, peacekeeping missions, no matter how they enhance their capacities in the field of protection, will never achieve the desired goals in this regard because what protects civilians fundamentally is peace. I repeat, what protects civilians is the peace that everyone is seeking, as well as the ensuing speedy implementation of development, rehabilitation, revival, rebuilding, disarmament, demobilization, reintegration and the quick return of social services, so as to facilitate a speedy settlement of returnees and to ensure that civilians leave their camps and shelters to go back to their countries of origin and to the resumption of their everyday activities. The United Nations must therefore make peacemaking its priority and not be distracted by secondary, incidental matters that accompany conflicts. We must stress the proven capabilities of regional organizations in peacemaking and peacekeeping owing to their direct relation and full familiarity with the nature and causes of the conflict at

hand. Here we should like to recall the decisions of the meeting organized by the Office for the Coordination of Humanitarian Affairs in Dakar in April 2007 on the role of regional organizations in the protection of civilians and in peacemaking.

The principle of the protection of civilians in armed conflict is a sublime principle to which we all aspire. Yet we are concerned by the attempts by some States to use that principled goal to serve specific political objectives, such as the current propagation of the so-called responsibility to protect. And we should like to emphasize in this forum that the principle of the responsibility to protect, though contained in the 2005 World Summit Outcome Document, is, as you know, still subject to varied interpretation by various Member States. We must also bear in mind the principles enshrined in the Charter of the United Nations with regard to each State's sovereignty, legitimacy and complete and full responsibility for the protection of the civilian population of that State. We must recall that the right to protect civilians in armed conflict is part and parcel of an integrated, interrelated system of rights and obligations that was confirmed by that same Outcome Document. The main pivot of that Summit was to follow up on the implementation of the Millennium Development Goals, in particular development, poverty reduction and conflict prevention by tackling its root causes, as I mentioned. Hence the protection of civilians has to take place within a comprehensive integrated framework. I repeat: the protection of civilians has to be done within an integrated, comprehensive framework that focuses principally on tackling the root causes of conflict at an early stage, with effective support from the Security Council in guiding processes of reconciliation and political settlement. This should be complemented by the parallel roles of the Secretariat and the specialized agencies of the United Nations, with regard to humanitarian aspects and in support of sustainable economic development, and of donors, in honouring their development commitments.

The protection of civilians is, at the end of the day, the responsibility of the State. Thus, States concerned have to be equipped with better capabilities to shoulder their responsibilities appropriately and must not be weakened by means of sanctions and other measures that those who impose them sometimes call smart sanctions, sometimes targeted sanctions, or other twisted interpretations that have never changed the fact that the population is inevitably hurt by them.

In conclusion, we should like to reaffirm the importance of adopting a comprehensive approach to addressing the matter of the protection of civilians in armed conflict, without selectivity or discrimination. We also hope that the Security Council will prove, in a practical manner, its commitment to the protection of civilians in armed conflict by dealing decisively with what was done to the civilians in Gaza. It is a fortuitous coincidence that our discussion of this topic follows the General Assembly's examination of the Goldstone report (A/64/490), which proved where peace-loving nations stand. There are those who claim to support peace and fight against impunity, but with great hypocrisy. That is the main lesson we have learned.

The President: I now give the floor to the representative of the Syrian Arab Republic.

Mr. Ja'afari (Syrian Arab Republic) (*spoke in Arabic*): Like colleagues who have taken the floor before me, I wish to extend our warm thanks to you, Mr. President, for having organized this debate on the protection of civilians in armed conflict. I should also like to thank your friendly country for having organized this debate, as well as the distinguished Permanent Representative of Viet Nam and other members of his delegation for their committed work in the Security Council last month. I should also like to thank the Secretary-General for having personally attended this meeting, as well as Under-Secretary-General Holmes, the Deputy High Commissioner for Human Rights and the representative of the United Nations High Commissioner for Refugees for being present here today.

My delegation endorses the statement made by the Permanent Representative of Egypt on behalf of the Non-Aligned Movement.

It must be said that civilians continue to pay the highest price in armed conflicts, despite the legal developments and international conventions relating to the protection of civilians in armed conflicts, beginning with the Geneva Conventions relating to the protection of civilians in times of war and including numerous resolutions of the Security Council. The irony of destiny means that the gap between the texts and their implementation keeps getting wider — that is the gap between what constitutes law, on one hand, and what

we actually see happening on the ground, on the other hand, with regard to the protection of civilians in armed conflict.

Approximately a decade has elapsed since the Council began deliberating this important subject. The delegations that have participated in the debate, the Security Council, the Secretary-General, Deputy Secretary-General and Special Rapporteurs continue to call on all parties to show greater respect for international law and to guarantee the rights of civilians in armed conflicts. Here we should like to recall the deliberations that we had the last time when the Security Council debated this issue on 25 June 2009. During that debate, a number of countries stressed the odious and flagrant aggression perpetrated by Israel against Palestinian civilians in the Gaza Strip. During that debate, the majority of delegations called upon Israel, the occupying Power, to comply with international law as it pertains to the protection of the Palestinian civilians in Gaza with regard to the need to facilitate humanitarian aid access. They also stressed the importance of a commission of inquiry to investigate the war crimes committed by Israel during its aggression. Despite the resolutions and reiterated calls by the Security Council and the international community for Israel to put an immediate end to its illegal practices and policies, Israel has not only ignored those appeals but is still pursuing its aggressive policy against Palestinian civilians — a policy which, as the whole world knows, includes a state of siege, the closing of border crossings, arrests, restrictions on the movements of students and the medically ill, the obstruction of the delivery of donations of goods such as medicines to the area, collective punishment, the confiscation of homes and land, the building of settlements and the burning of farms. That is in addition to the arbitrary repressive practices against the civilian population in the occupied Syrian Golan Heights, which run counter to international law and international humanitarian law.

The report of the United Nations Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48), which was led by Judge Goldstone, provides irrefutable evidence of serious Israeli violations of international humanitarian law and the Charter in the course of its heinous attack against Gaza. Those violations constitute war crimes and crimes against humanity. Palestinian civilians were deliberately targeted, including through the systematic destruction of infrastructure, oppression and persecution aimed at collectively punishing a people under siege.

The evidence set out in the Goldstone report is not the only grounds for condemning Israel for its aggression in 2008. A number of commissions and international envoys have submitted reports to the United Nations on Israeli aggression, including the Ian Martin report on attacks against United Nations facilities. Israel's actions constitute a singular example of systematic aggression as a method of collective punishment. As such, they violate all the rules and principles stipulated in international law, international humanitarian law and the Geneva Conventions of 1949, as well as the additional protocols thereto.

I wish to ask the Security Council whether Israel has halted any of its practices. In paragraph 2 of a recently adopted resolution, the Secretary-General is called upon to request the Council to consider the Goldstone report, which includes objective recommendations addressed both to the Human Rights Council and the Security Council. It also calls upon the Council to fulfil its responsibilities under the Charter and to take every measure necessary to ensure that those guilty of those crimes are brought to justice, so as to put an end to the Israeli authorities' mentality of impunity. I would also like to ask the Council whether Israel has honoured any commitments to date since the Council placed on its agenda at the end of the 1990s the issue of the protection of civilians in armed conflict.

With regard to the situation of the Syrian population in the occupied Syrian Golan, there is really little difference from that of the Palestinian people. Israel's occupation continues. Land is still being confiscated. Water resources are still being stolen. Mines are still being planted. Settlements continue to expand. Israel is continuing its repressive policies against Syrian civilians in the Syrian Golan by imprisoning them or placing them illegally into detention camps, thereby jeopardizing their lives. Israeli practices in the occupied Syrian Golan have really gone beyond all legal and ethical bounds. In a recent episode, a two-year-old child was separated from his mother under the pretext that he was born inside of Israel and that his parents were still studying in Syria.

In order that this debate may have credibility, Syria calls on this body to compel Israel to authorize

family visits for Syrian citizens in the occupied Syrian Golan by opening the Quneitra border crossing. In that regard, my delegation has sent letters to the Secretary-General and the Presidents of the Security Council and the General Assembly. We have also addressed letters to intergovernmental and non-governmental organizations requesting that they intervene to resolve this issue. We hope that the statements that have been made in today's debate, as well as on other occasions, will not remain mere words.

Also with regard to international law, Israel's occupation of the Syrian Golan is a dual situation that requires that the Council to level a dual charge. For not only has Israel occupied the Syrian Golan since 1967, it has also taken the illegal and provocative decision to annex the Syrian Golan. The Council rejected that decision unanimously in a resolution calling it null and void.

The President: I now give the floor to the representative of Hungary.

Mr. Bródi (Hungary): First, let me thank the Austrian presidency for organizing this debate to mark the tenth anniversary of the Security Council's work on the protection of civilians in armed conflict.

The Republic of Hungary fully aligns itself with the statement delivered by the representative of Sweden on behalf of the European Union, and strongly welcomes the resolution on the subject that was adopted today (resolution 1894 (2009)).

The fact that today's armed conflicts still continue to have a severe impact on civilians, as highlighted in the report of the Secretary-General (S/2009/277), indicates the enduring need for the Security Council and United Nations Member States to further strengthen the protection of civilians, enhance compliance with international humanitarian law and human rights law and promote accountability for violations thereof.

The primary responsibility to take all feasible steps to ensure the protection of civilians is undoubtedly that of the parties to an armed conflict. Nevertheless, peacekeeping operations also can, and must, make significant contributions to the safety and security of civilians in all circumstances. Ensuring the coherent, coordinated and effective implementation of mandated protection activities is a major challenge for United Nations peacekeeping that has to be addressed as a priority by all of us.

As part of the next steps in the New Horizon process, mission-specific protection strategies need to be developed, and peacekeepers need clear operational guidance based on reliable information gained through an effective reporting system. The protection and assistance needs of women, children and persons living with disabilities — including refugees and internally displaced persons, who constitute an especially vulnerable group in situations of armed conflict — have to be strengthened and specifically defined in protection mandates.

This year, we have witnessed an alarming rise in the frequency and gravity of attacks against humanitarian personnel which have had significant implications on humanitarian operations. It is extremely important for the success of those operations that all parties to armed conflict engage in the facilitation of safe, timely and unimpeded humanitarian access to those in need.

The Republic of Hungary supports the comprehensive approach to preventing violations of international humanitarian law and human rights law, avoiding their recurrence and seeking sustainable peace and justice.

As regards possible preventive action in the case of serious violations of international humanitarian law and human rights law such as genocide and mass atrocities, recent research shows that the progression of events towards the actual commission of an international crime is gradual, and that the period from the initial threat to full genocide offers ample warning time for the international community to take preventive action. Hungary believes that the planned Budapest Centre for the International Prevention of Genocide and Mass Atrocities, as a catalyst for information and early warnings from various sources, will serve as an indispensable research mechanism to process and transform this information into relevant policy recommendations for the international community, thus obviating further threats to the security of civilians in armed conflicts.

Let me assure the Council once again of the engagement of the Republic of Hungary and its commitment to enhancing the protection of civilians.

The President: I now give the floor to the representative of the Republic of Korea.

Mr. Choi Su-young (Republic of Korea): Let me begin, Mr. President, by joining previous speakers in thanking you for organizing today's open debate on protection of civilians in armed conflict and giving us this opportunity to address the Security Council. My delegation also welcomes and supports Security Council resolution 1894 (2009), on protection of civilians in armed conflict, which was adopted this morning.

During the open debate on this subject in June (see S/PV.6151), my delegation emphasized two factors in enhancing and promoting civilian protection: first, the demonstration of strong political will by the Security Council and the parties concerned; and secondly, the translation of the results of 10 years of discussion on civilian protection into concrete implementation and operationalization in the field. We believe that today's resolution clearly expresses the strong political will of the Security Council on this issue, and we hope that the resolution will serve as a solid foundation to further our efforts to convert our discussions into real action on the ground.

While the primary responsibility for civilian protection rests on the nations and parties involved in conflicts, peacekeepers also have the responsibility to support and provide security to people at risk. Failure to address large-scale violence against civilians will seriously hurt the legitimacy and credibility of peacekeeping missions. Civilian protection should be a vital priority and an integral part of United Nations peacekeeping missions. My delegation is pleased to recognize that today's resolution adequately addresses this priority. Echoing the voices of those in the field, I would also like to emphasize, inter alia, the importance of clear, credible and achievable mandates with operational definition as a condition for ensuring the successful execution of civilian protection mandates.

My delegation stands firmly with the Security Council in affirming its strong opposition to impunity for serious violations of international humanitarian law and human rights law. When it is clearly established that there is no escape for a violator, compliance with international humanitarian law will be enhanced. In addition to what the resolution stipulates, my delegation would like to underline that the role of the International Criminal Court should also be respected in upholding the principle of no impunity when there is a clear and evident failure of States to prosecute criminals.

Women and girls deserve special attention, since they are the most vulnerable group in conflict situations, and since sexual violence has a devastating and corrosive effect on society as a whole. My delegation has been strongly articulating our determination to put a stop to this most cowardly form of violence, and we welcomed the landmark Security Council resolution 1888 (2009) in this regard. Today's resolution adequately reflects the spirit of resolution 1888 (2009) and will add important political momentum to our efforts to eradicate sexual violence and exploitation.

Preventing humanitarian access to civilians affected by armed conflict constitutes a crime against humanity. Unfortunately, however, there are still cases where humanitarian personnel and relief supplies, although a few miles away, ready to be delivered, cannot reach those who desperately need them because of the deliberate interference of certain parties involved in armed conflict. My delegation values today's resolution as an important step towards addressing this issue, and we look forward to further developments on the issue in the Security Council.

The protection of civilians is an ongoing task that needs to be continued not only in the peacekeeping process but also in the peacebuilding process. My delegation believes that providing basic safety and security for civilians is crucial to stabilize countries emerging from conflicts. Assisting those countries to set up transitional justice mechanisms and the rule of law is fundamental in securing safety and security for civilians. Successful peacebuilding is also an integral element of protecting civilians in armed conflict, and, in that regard, we hope that the Security Council will incorporate this element in future discussion on the issue.

The President: I now give the floor to the representative of Kenya.

Mr. Andanje (Kenya): I would like to express my sincere appreciation to you, Mr. President, for organizing this important debate. I thank the Secretary-General, the Under-Secretary-General for Humanitarian Affairs and the Deputy High Commissioner for Human Rights for their presentations.

My delegation welcomes the adoption this morning of resolution 1894 (2009), on the protection of civilians in armed conflict. It is testimony to the Security Council's continued commitment to enhancing the protection of civilians.

Today is indeed a special occasion. It marks the tenth anniversary of the Council's first consideration of the protection of civilians in armed conflict as a thematic issue. This occasion provides us with the opportunity to reflect on the progress made, the challenges we face and the steps we must take to address this problem. It also provides us with the opportunity to renew our political will and resolve, and to rally support for the protection of civilians.

We welcome the Security Council's engagement since February 1999 in enhancing the protection of civilians. The adoption by the Council of additional resolutions, the aide-mémoire (see S/PRST/2009/1, annex) and the establishment of the Security Council Expert Group have given impetus to the protection of civilians in armed conflict. Equally important are the measures the Council has taken in addressing the impact of war on women and children in armed conflict.

My delegation believes that, despite those positive achievements, the question of protection deserves deeper reflection due to its complex and multifaceted nature. It touches on issues involving the conduct of peacekeeping operations, compliance with human rights, the rule of law, political security, development and disarmament. It is therefore important that we address the matter taking into account those underlying issues.

In view of the foregoing, there are still a number of challenges. They include gaps in Security Council mandates, the lack of pre-mandate planning, protection guidance and assessments, failure by parties to conflict to honour their obligations under international humanitarian law and the failure to provide unfettered access for humanitarian agencies and organizations to people in dire need.

All parties to a conflict must respect their obligations under international humanitarian law. We note that this is a particular problem with many non-State armed groups. The Security Council needs to enhance compliance by consistently calling on all parties to a conflict to adhere to their obligations, especially in exercise of the principles of proportionality and distinction. The Council should further ensure that investigations of alleged violations on civilians in armed conflict are carried out in a timely manner, with commensurate consequences for violators. This will not only promote accountability among the various actors but will demonstrate the Council's opposition to impunity as part of a comprehensive approach to ensuring that perpetrators are brought to justice through national or international legislation and that victims are granted redress.

Providing unhindered humanitarian access during conflicts is a fundamental prerequisite for ensuring life-saving assistance. It is therefore important for peacekeeping missions to provide a secure environment to facilitate humanitarian access to enhance the capacity of peacekeeping missions to provide protection to humanitarian agencies. While current efforts are commendable, significant challenges still remain at the operational level. Peacekeepers lack capacity to reach populations at risk. The Council should address and streamline that aspect during the adoption of mandates. That would certainly guarantee the safety and security of humanitarian personnel.

My delegation appreciates the fact that the protection of civilians is currently mandated in a number of United Nations peacekeeping missions. We note that the first such mandate was authorized to afford protection to civilians a decade ago in Sierra Leone. At present, the majority of United Nations peacekeeping missions operate under such mandates. Nevertheless, there are real challenges in their implementation because the mandates remain largely undefined in both their military and mission-wide aspects.

The Council should provide clear protection guidelines and underline the importance of a comprehensive approach involving all components of a mission in delivering on the task. There is also a need to ensure that available capacity and resources are deployed for the task at hand and made available. It is also necessary to emphasize that peacekeeping missions should conduct their tasks without prejudice to the primary responsibility of the host nations for the protection of civilians.

In this connection, we welcome the independent study jointly commissioned by the United Nations Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations. It is

insightful. We are convinced that it can strengthen the implementation of civilian protection mandates. We trust that the findings and recommendations will be given consideration by all actors.

My delegation recognizes that sexual violence is no longer considered to be a simple by-product of armed conflict. It is being used as a tool of warfare. It dehumanizes and instils fear in civilians during armed conflict in order to achieve political and military objectives. The adoption by the Council of resolution 1820 (2008) against sexual and other forms of violence against civilians in armed conflict situations, in particular women and children, was a significant development.

However, there is a lot that needs to be done to enhance its implementation. We must move from words to deeds to ensure protection of sexually vulnerable populations in armed conflict situations. The recent creation of a post of a special representative of the Secretary-General to address sexual violence in armed conflict will, we believe, complement those efforts.

Finally, I reaffirm Kenya's commitment to the protection of civilians in armed conflict and to guaranteeing their rights in conformity with international humanitarian law. Considering the fact that civilians continue to be subjected to indiscriminate attacks and other violations by parties to conflict, and taking into account the fact that they comprise the vast majority of casualties, we need to work consistently towards enhancing their protection. We urge the Security Council to act in a swift and decisive manner wherever such violations occur.

The President: I now give the floor to the representative of Zambia.

Mr. Kapambwe (Zambia): I am speaking in my capacity as chairperson of the African Group for the month of November. We thank the Austrian presidency for convening this important debate.

Due to the lateness of the hour, my statement is abridged. The full version has been circulated.

Africa welcomes the work of the Security Council to protect civilians in armed conflict, in particular the measures outlined in resolution 1674 (2006) adopted on 28 April 2006.

As most conflicts occur on our continent, Africa calls upon the Security Council to be proactive in early warning and response to conflict. In this regard, the Security Council should strengthen its early warning mechanisms to detect, assess and discuss potential conflict situations before they happen. In addition, there is a need for the adoption of clear mandates for peacekeeping missions that would make the protection of civilian populations, of which women and children constitute the majority in every conflict situation, their top priority.

The prevention of conflicts is the best way of protecting civilians from the suffering inherent in armed conflicts. It is for this reason that the African Group supports the implementation of the measures recommended and contained in resolution 1265 (1999) and the report of the Secretary-General in document S/2009/277.

It should, however, be understood that durable conflict prevention can be successful only if the root causes of conflict are addressed. As long as we continue to have oceans of poverty and underdevelopment surrounding the few islands of wealth around the world; as long as we hold sections of humanity under the bondage of colonialism and foreign occupation; as long as we continue to treat women, who comprise half of humanity, as second class citizens; as long as we continue with trade practices that disadvantage developing countries; as long as we continue to deny human rights and due process to sections of world citizens; and indeed, as long as we do not address governance challenges around the world, the scourge of conflict will be a constant, ever-present menace.

From the comfort of distance and in the shelter of the edifices of wealth, a false sense of security has arisen in developed countries. Conflict is seen as remote and a phenomenon of the third world. We must awaken to the fact that, in a globalized world, there are no borders. The consequences of desperation, poverty and underdevelopment in the third world — uncontrolled migration, transnational crime, drug trafficking and even some acts of terrorism — manifest themselves all over the world. These issues affect all of us. They must be resolved by all of us, acting together as the United Nations.

The Austrian delegation's concept paper (S/2009/567) refers to the need to strengthen the rule of law, enhance compliance and ensure accountability. It also addresses the need to improve the implementation of

protection mandates by peacekeeping missions and to enhance the provision of information and reporting to the Council on issues pertaining to the protection of civilians. We agree with those objectives. All of them are important and necessary. The Security Council must engage and come up with relevant recommendations.

It is just that on the ground, when an illiterate armed warlord or child soldier takes up arms against society, the rule of law and accountability are oftentimes not sufficient deterrents. Only by providing at least a minimum of social, economic and political opportunities to the citizens of the Third World shall we create conditions for lasting peace and stability and, thereby, durable protection for the civilians of these societies.

The President: I now call on the representative of Azerbaijan.

Mr. Mehdiyev (Azerbaijan): At the outset, I wish to thank you, Mr. President, for convening this important open debate on the protection of civilians in armed conflict. Azerbaijan's interest in the issue under consideration is obvious and results from the practical experience of addressing the impact of armed conflict on civilians and engaging in international efforts to ensure respect by the parties concerned for their obligations under international law.

The occupation of a considerable part of Azerbaijan's territory, resulting from the aggression of neighbouring Armenia, has had a significant influence on the humanitarian aspect of the problem and affects primarily the most vulnerable groups of the population. Azerbaijan continues to suffer from one of the highest proportions of refugees and displaced persons in the world. Most serious international offences were committed in the course of the conflict. Suffice it to say that, on one night alone in February 1992, when the town of Khojaly, in the Nagorny Karabakh region of Azerbaijan, was captured by invading Armenian troops, 613 civilians were killed, including 106 women, 63 children and 70 elderly persons. Following Armenia's military occupation of Azerbaijan's territories, the Security Council, in its relevant resolutions, condemned, inter alia, attacks on civilians and the bombardment of inhabited areas and expressed grave concern at the displacement of large numbers of civilians in my country.

Concern about the extent to which the rules of international humanitarian and human rights law are being observed in Azerbaijan's occupied territories was heightened when the General Assembly decided to address the matter and adopted two resolutions, first at its sixtieth session and again at the sixty-second session. Against the background of the lack of progress in overcoming the consequences of the conflict and their adverse implications for civilians, we look forward to further concrete measures aimed at ensuring compliance with international law and the effective protection of civilians.

The year 2009 marks the tenth anniversary of the Security Council's consideration of the protection of civilians in armed conflict as a thematic issue. This year also marks the sixtieth anniversary of the Geneva Conventions of 1949, which constitute an essential legal framework for the protection of civilians in armed conflict. However, we should recognize with deep regret that a defining feature of most, if not all, conflicts has been the failure of the parties to respect and ensure respect for their legal obligations to protect civilians and spare them the effects of hostilities.

As pointed out in the recent report of the Secretary-General on the issue (S/2009/277), the significant development of international norms and standards for the protection of civilians and other important steps taken by the Council to enhance protection have not been matched by requisite actions on the ground, and numerous challenges remain. As a consequence, civilians, including women and children, continue to suffer from inadequate protection in situations of armed conflict.

Further efforts to strengthen the protection of civilians, in particular through measures insisting on strict compliance by parties to armed conflict with their obligations under international humanitarian, human rights and refugee law, remain crucial, and must be an absolute priority for the United Nations, the Security Council and, above all, Member States.

Particular consideration must be given to implications for the protection of civilians in situations of armed conflict aggravated by population displacements, foreign military occupation and attempts to change the demographic balance in occupied territories. The impact of conflict on housing, land and property in such situations requires a more

consistent approach in order to ensure the safe and dignified return of those forced to leave their homes.

It is important that the recognition of the right to return, along with increased attention to its practical implementation and concrete measures aimed at overcoming obstacles preventing return, be applied by the Security Council, the General Assembly and other relevant United Nations bodies with more systematic regularity. Ensuring the right to return constitutes a categorical rejection of ethnic cleansing and provides a significant measure of justice to those displaced from their homes and land, thereby removing a source of possible future tension and conflict.

As highlighted in the report of the Secretary-General, integral to these challenges is the need to ensure accountability for violations of international humanitarian law and human rights law, on the part of both individual perpetrators and parties to conflict. There must be consistent commitment on the part of States to their obligation to prosecute those responsible for breaches of international humanitarian law or international human rights law. In cases in which such breaches constitute war crimes, crimes against humanity or even genocide — for which universal jurisdiction is provided with regard to alleged offenders — it is important that the prosecution of individuals be undertaken through the domestic legal systems of involved States and third-party States, while State responsibility is enforced through relevant inter-State mechanisms.

In that regard, it is important to emphasize that ending impunity is essential in order to ensure not only individual criminal responsibility for serious crimes, but also sustainable peace, justice, truth, reconciliation and the rights of victims.

The President (*spoke in French*): I now invite His Excellency Mr. Pamphile Goutondji, Secretary-General of the Ministry for Foreign Affairs, African Integration, Francophonie and Beninese Diaspora of Benin, to take the floor.

Mr. Goutondji (Benin) (*spoke in French*): As this is the first time that we have taken the floor this month in the Security Council, my delegation warmly congratulates you, Sir, on your assumption of the presidency of the Council.

We associate ourselves with the statement made by the representative of Zambia on behalf of the Group of African States.

Benin served as a sponsor of resolution 1894 (2009), adopted by the Security Council this morning. We did so to demonstrate our commitment to the efforts made by the United Nations over the past 10 years to ensure the protection of civilians in armed conflict. Since the Council began to consider that issue, it has been able to correct the discrepancies that had made the United Nations a powerless observer in the face of grave violations of vital principles whose preservation is one of its fundamental goals. In that regard, we should commend the progress made by the Security Council by, inter alia, adopting a series of general and specific resolutions providing for the gradual establishment of a system for implementing protection measures on the ground.

Here, we should highlight the growing effectiveness of the mechanisms put in place by resolution 1612 (2005), initiated by Benin, to provide for monitoring and reporting on children in situations of armed conflict, and resolution 1882 (2009), negotiated by Mexico, to broaden the scope of that mechanism. We should also note the resolutions recently adopted at the initiative of the United States of America to combat sexual violence against women and children in conflict situations.

Another step forward is the systematic inclusion of civilian protection in the mandates of peacekeeping operations. Unfortunately, this has not always been accompanied by the provision of the capacity needed to ensure that this protection is effectively provided. Populations in conflict zones continue to pay the high price of this gap, as we have seen in the Democratic Republic of the Congo, Darfur, Afghanistan and many other theatres of operation.

Benin welcomes the discussion on the subject initiated by the Secretariat in its document entitled "A New Partnership Agenda: Charting a New Horizon for United Nations Peacekeeping". The robust concept of operations it proposes is logical, because we must ensure that a mission receives adequate resources in keeping with the situation on the ground and the nature of the risks to populations under threat. In that regard, the existence on the ground of a credible intervention capacity can itself be a deterrent, making it possible to keep a population safe from acts of violence to which

they could be exposed in situations of high vulnerability.

We agree on the need for an in-depth discussion to identify all the implications of deploying robust missions, taking into consideration criteria for the use of force in the light of the basic principles for the deployment of peacekeeping operations and the need to make adjustments to rules of engagement. Peacekeeping operations mandated to protect civilians must have determined and effective political backing in accordance with the principle of civilian control of armed forces, in order to maintain the legitimacy of United Nations action.

In recent years we have also seen progress in deterring massive violations of the human rights of civilian populations, with the strengthening of the international community's political will to step up efforts to combat impunity for serious crimes perpetrated in conflict situations. The International Criminal Court and the ad hoc United Nations tribunals play a crucial role in that regard. We urge United Nations Member States to provide the cooperation needed to enhance the authority of judicial bodies, both nationally and internationally, with strict respect for the principle of complementarity.

In addition to those measures, which focus on coercion, my delegation welcomes the importance attached to the dissemination of information about international humanitarian law among stakeholders in armed conflict and to training stakeholders in human rights and refugee law, as a way of ensuring the protection of civilian populations affected by conflict. The criminal nature of massive displacements, the deliberate targeting of civilians, attacks against humanitarian personnel and the denial of humanitarian access to vulnerable populations should receive special attention through campaigns to raise awareness and through training on international humanitarian law, in the light of the increased use of those tactics in conflicts that are on the agenda of the Security Council.

Nevertheless, my delegation remains convinced that the best way to protect civilians from armed conflict is to engage in effective preventive diplomacy, which can prevent the outbreak of conflicts, with their unforeseeable consequences for human dignity.

Finally, my delegation associates itself with this morning's appeal by the Deputy High Commissioner for Human Rights for the provision of effective assistance to the victims of human rights violations linked to armed conflict.

The President: I now give the floor to the representative of Armenia.

Mr. Nazarian (Armenia): Thank you, Mr. President, for organizing this essential debate. We join previous speakers in thanking the Secretary-General and Under-Secretary-General Holmes for their briefings and their active involvement in addressing this important subject.

Armenia aligns itself with the statement made by the representative of Sweden on behalf of the European Union. We would also like to make some remarks in our national capacity.

The frequency with which the Security Council addresses this issue signifies the urgency of the matter and the need for the international community to fulfil its commitment to protect civilians, through the implementation of the provisions of international humanitarian law. Therefore, we share the views expressed by Council members and other speakers, which call for more systematic attention to protection. We believe that this issue should be frequently reflected in the deliberations of the Security Council.

We are also convinced that increased efforts to fight impunity at the national and international levels are essential. Armenia therefore welcomes the Austrian initiative to hold this open debate. It provides an opportunity to recap and reflect on the Council's past experience in dealing with the issue of the protection of civilians and to highlight priority aspects for united practical action. In a lessons-learned process, this debate should also enable the Council to more effectively address specific concerns related to the protection of civilian populations.

The Council has to send a clear message to all parties to armed conflicts, reminding them of their obligations and condemning violations of international humanitarian and human rights law.

It is unfortunate that, despite the existence of international legal instruments and normative mechanisms, innocent civilians, including women, children and older persons, as well as international humanitarian personnel, continue to suffer in conflict situations.

Armenia believes that the international community must effectively seek thorough compliance by all parties with the norms of international humanitarian law. The relevance of that need was underscored by the tragic events in the early 1990s in Nagorny Karabakh, when only Armenia's involvement prevented ethnic cleansing, which had been subtly conducted by Azerbaijan during the 70 years of Soviet rule and was aimed at wiping out Armenians from their ancestral homes.

The position held by Azerbaijan, with its long-established distortion of facts, came as no surprise to us. In 1992, the Azerbaijani President told the European media that responsibility for the slaughter of the civilian population of the Azeri city of Khojalu, which was referred to in this Chamber, near Stepanakert, the capital of Nagorny Karabakh, completely lay with the Azeri opposition group, the Azerbaijani National Front. In the days following the event, President Mutalibov, in an interview with Czech journalist Dana Mazalova, said that the militia of the Azerbaijani National Front had actively obstructed and actually prevented the exodus of the local population through the mountain passages which had been especially left open by Karabakh Armenians to facilitate the flight of the civilian population.

The hope and the intention of the Azerbaijani side was to utilize civilian losses of such a magnitude to instigate a popular uprising against the Baku regime and seize the reins of power. The attempts of the Azerbaijani authorities to resolve the dispute militarily brought about unexpected consequences for them. What had promised to be a quick campaign to rid Nagorny Karabakh of its native Armenian population turned out to be an exhausting military conflict with a loss of territory, numerous casualties and hundreds of thousands of refugees and internally displaced persons on both sides.

In that conflict, as in any other conflict, it is civilians living on both sides of the border who continue to suffer the consequences of the unresolved dispute.

The peaceful resolution of any conflict is not an easy enterprise and requires strong political will and painful compromises from both sides. We believe that the time has come to replace the unchanged rhetoric of warmongering and hollow allegations with constructive steps aimed at making the environment more conducive to a peaceful settlement.

Armenia remains committed to the peaceful resolution of the Nagorny Karabakh conflict and strongly believes that a fundamental resolution of the problem can be achieved only by peaceful means based on the principles of international law.

We believe that the Security Council should further contribute to the strengthening of the rule of law and to upholding international law by supporting criminal justice mechanisms.

The President: I now give the floor to the representative of the Islamic Republic of Iran.

Mr. Khazaee (Islamic Republic of Iran): It is getting very late, Mr. President, and I am afraid that you will have to buy dinner for everybody. So, I shall try to summarize my written statement, copies of which will be circulated.

Let me first thank you, Sir, and the Government of Austria for convening this open debate on the protection of civilians in armed conflict. I also thank Under-Secretary-General John Holmes for his objective briefing today.

In the 10 years since the adoption of resolution 1265 (1999), the protection of civilians in armed conflict has assumed a prominent place on the Council's agenda. Incidents of violence and crimes against civilian populations in wartime have allowed us to identify measures to protect civilians in armed conflict. Yet, the reality on the ground has not changed as one might have expected given the affirmations and relevant resolutions adopted by the Security Council.

Despite the fact that there has been some progress over the past decade, there have been many failures. A large part of the reason for that distressing state of affairs lies in the fundamental failure of some parties to honour their obligations to protect civilians. The number of casualties in armed conflict, including under foreign occupation, has not declined, and no one can doubt the suffering of the victims of armed conflict.

A vivid example of this is the situation is Palestine, in particular the Gaza Strip, where for years more than 1.5 million Palestinians have been deprived of all their basic needs of life and humanitarian assistance. Gaza has continued to be the largest prison kept by the Israeli occupying authorities. There have

also been numerous reports of violations of international humanitarian law and gross violations of human rights during the military aggression by the regime occupying Palestine. The killing of women and children is among these violations and is well documented in the Goldstone report (A/64/490, annex). The same cruelty was applied by the Israeli regime against civilians during its aggression against Lebanon in 2006.

Based on the facts ascertained in all the aforementioned cases, the conduct of the Israeli armed forces, including deliberate killings and the causing of great suffering to civilians, constitutes a grave breach of international law, in particular the Fourth Geneva Convention. Those who commit such violations, be it in Palestine, Lebanon or in any other part of the world, should be held accountable for their crimes against innocent civilians. Only guaranteed accountability for serious violations of international humanitarian law and justice for victims will ensure that our efforts for the protection of civilians are translated into meaningful and practical action. Therefore, much greater efforts are required to enhance compliance and, for that matter, accountability.

We believe that there is no justification for the Security Council's remaining silent and taking no action vis-à-vis the perpetrators of war crimes in the Israeli regime. The international community, as it manifests itself in this Council, has not only the right to take measures but the responsibility to act accordingly. We are waiting to see the reaction of the Security Council to the Goldstone report and the crimes committed in Gaza.

On a separate note, I would like to refer to an unpalatable yet brutal reality of the indiscriminate targeting of civilians in Afghanistan during air strikes. Afghan officials, including President Karzai, have repeatedly criticized the high level of civilian casualties in such bombings. This fact has also been noted in resolution 64/10, adopted three days ago by the General Assembly.

We hope that the international community will take all the measures necessary for the protection of civilians on the basis of respect for the lives of innocent people. The Security Council shall understand that this is extremely important to its credibility. If we want our debate on the protection of civilians to be meaningful and effective, we should have a balanced and comprehensive approach, and determine its causes and effects. We hope that these discussions will be successful and that we will take the necessary measures.

Since the representative of the Israeli regime referred to the issue of the ship that was recently hijacked by that regime during an apparent terrorist action, I would like to bring to the Council's kind attention the fact that this is yet another fabricated and manipulated story concocted by that hypocritical entity, and we categorically reject it. Bearing in mind previous, similarly fake stories, we believe that it is now clear to all that such manipulation and fabrication — precisely at a time when several United Nations bodies and a large majority of Member States are busy with the consideration of the criminal acts of the Israeli regime against the innocent civilian population of Palestine, most importantly war crimes and crimes against humanity — represent yet another useless and desperate attempt to distract the attention of the international community from the regime's criminal acts.

The President: I now give the floor to the representative of Rwanda.

Mr. Bugingo Rugema (Rwanda): My delegation welcomes the opportunity to participate in this open debate on the protection of civilians in armed conflict, and wishes to express our gratitude to the delegation of Austria for convening this debate on an issue of critical importance to the maintenance of international peace and security.

We welcome the adoption this morning of resolution 1894 (2009) on the protection of civilians in armed conflict and view it as an important step forward in our consideration of this issue. I also wish to thank the Secretary-General and the Under-Secretary-General for Humanitarian Affairs for their most insightful statements and for their efforts in this respect.

My delegation aligns itself with the statements delivered by the representatives of Egypt and Zambia on behalf of the Non-Aligned Movement and the African Group, respectively.

It has been 10 years since the Security Council first discussed the protection of civilians in armed conflict, yet civilians still bear the brunt of the suffering in situations of armed conflict. It is increasingly clear that resolutions do not automatically

translate into clear mandates and operations on the ground. In our region particularly, we experience daily the consequences of a failure to tackle the underlying causes of conflict and to fully implement protection mandates, due to either their ambiguous nature or a lack of capacity.

We therefore welcome the study recently published by the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs on protecting civilians in the context of United Nations peacekeeping operations. As a troop-contributing country, we hope that it will lead the way in bringing clarity to protection mandates, in bridging existing gaps and in the implementation of its recommendations.

The genocide in Rwanda and the consequent conflict in the Great Lakes region have been characterized by a culture of impunity that has allowed the Forces démocratiques de libération du Rwanda (FDLR) and other genocidal forces to fester and commit heinous crimes against civilians in the eastern Democratic Republic of the Congo. We would encourage Operation Kimia II, supported by the United Nations Organization Mission in the Democratic Republic of the Congo, to maintain its efforts aimed at eliminating the threat to civilians posed mainly by the FDLR and other negative forces in the eastern Democratic Republic of the Congo. It is imperative that we end the culture of impunity and ensure that all who commit such crimes are held accountable for their actions.

In conclusion, we view the responsibility to protect as being integral to the protection of civilians, and welcome the reference to the responsibility to protect in the resolution adopted this morning. The General Assembly debate and resolution 63/308 on the responsibility to protect make it necessary for this concept to be operationalized as an additional element in the protection of populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

The President: I now give the floor to the Minister for International Cooperation and Humanitarian Affairs of the Sovereign Military Order of Malta.

Mr. Von Boeselager: The Sovereign Order of Malta appreciates this opportunity to address the Security Council on the vital subject of the protection of civilians in armed conflict. This is a subject of special concern to my Order, and I extend our thanks to the President for convening this important debate.

During the twentieth century, civilians became disproportionately both the targets and the victims of warfare. One hundred years ago, 90 per cent of war victims were military; today, 90 per cent of casualties are civilians. Until now, all the efforts of the international community under the international conventions for the protection of civilians have failed to mitigate this unacceptable tragedy. Current efforts to protect civilians against the various atrocities of contemporary armed conflict must be intensified. As an international sovereign order with a 900-year mission to help, in particular, the victims of natural and man-made disasters and conflicts, the Order of Malta is deeply concerned about this ever-increasing challenge.

The use of human shields to provide shelter for combatants exposes civilians to lethal danger. This has come to be the case in asymmetric struggles between Governments and insurgent or terrorist groups. The misuse of protected civilian or religious facilities endangers even the principle of protection of those in situations of armed conflict. We have seen this in Iraq, Afghanistan and Gaza. The systematic use of rape and mutilation of civilians has become a tactic of choice of militia groups and armed forces in several regions, especially in the eastern Democratic Republic of the Congo, where sexual violence and rape are part of the military strategy of disruption.

Terror is an epidemic. Militiamen and rebels perpetrate many of these outrages, often directed at young women or even little girls and sometimes little boys. The Order is working with victims in the Democratic Republic of the Congo to prevent or treat sexually transmitted diseases and to provide psychological counselling to them. We have treated and counselled more than 30,000 women in the past four years, and we have also successfully worked with soldiers and rebels in order to try to prevent such crimes in the future.

Civilians and humanitarian aid workers, including Order of Malta personnel, have become victims of military raids, most recently in Darfur. Cluster bombs in southern Lebanon are a serious threat to the civilians we treat in our clinics. Our maternity hospital in Bethlehem, Palestine, the birthplace of 44,000 babies since 1990, has been shelled twice in recent years. More than 60 per cent of the attacks on humanitarian

workers have occurred in Afghanistan, Somalia and the Sudan. In Afghanistan, the Order of Malta has lost several local staff members in ambushes and shootings.

The Order has observed at least four types of violence perpetrated against civilians in the course of armed conflict, and the Council should address each one. They are, first, direct attacks on civilians, including by use of sexual violence, suicide bombings or assaults on facilities for refugees and displaced persons for the purpose of destabilizing society or generating terror for military or political objectives; secondly, the taking of civilian hostages to serve as human shields or the misuse of protected facilities, such as hospitals or aid stations, for the purpose of protecting combatants or combatant facilities or operations; thirdly, the inflicting of incidental or collateral damage upon civilians, including aid workers and medical personnel, as part of military operations that create a high degree of probability that innocent civilians will be killed or injured in pursuing what would otherwise be legitimate military objectives; and fourthly, the targeting of humanitarian facilities or aid workers, such a medical personnel and volunteers, for the purpose of denying civilians refuge, food, shelter or medical care.

There can be no question that these kinds of actions violate basic principles of international humanitarian law, including the Fourth Geneva Convention, whether or not a particular conflict technically constitutes an international conflict and whether or not the combatant groups or militias are formally parties to the Convention. International humanitarian law has evolved to the point that all combatants must recognize and obey those fundamental precepts of human decency and civilization. In short, these principles and values must be regarded as part of customary international law and, as such, they are universally binding.

Equally important, those persons who violate these precepts must be held accountable for their actions. That accountability must include those who personally violate the basic rules of international humanitarian law, as well as those who are responsible for those violations in accordance with settled principles of the international law of command responsibility.

The Council should clearly and unambiguously endorse those principles, insist that all combatants observe them, condemn violations of those principles, urge all Member States to take appropriate action to investigate and punish violations, and consider referring to the International Criminal Court any gross violations that Member States are unable to pursue through the ordinary course of their domestic law and procedure.

I commend the Council for unanimously adopting this morning resolution 1894 (2009), which deals with some of those issues.

The international community must mitigate the danger to civilians stemming from armed conflict by taking additional steps. One is to limit or outlaw the production, distribution and use of weapons that are inherently indiscriminate and that history has shown to pose a massive danger to civilians, especially children. I refer specifically to land mines and cluster munitions.

In addition, while the Order of Malta expresses its support for international efforts to prevent the spread of nuclear weapons and other weapons of mass destruction, the vast majority of civilians killed and injured in the course of armed conflict are the victims of low-level conflicts. The proliferation of small arms, including automatic weapons, is a major source of those deaths and injuries in such conflicts. The Order urges the Council and the international community to take responsible and effective steps to stem the trade in small arms.

The Order of Malta pledges to work with other members of the international community to re-establish the protection of civilians in armed conflict, with the goal of ensuring, to the extent possible, that civilians do not become the innocent victims of these struggles.

The President: I would now ask Under-Secretary-General John Holmes to respond to comments made or questions posed during today's debate.

Mr. Holmes: I will be brief. Let me begin by welcoming the support expressed for resolution 1894 (2009) by many speakers. I hope that it will translate into a serious effort to implement the resolution and, of course, previous resolutions, too.

I also welcome the participation of the more than 60 delegations that have spoken today. Again, I hope that this is an indication not only of the seriousness with which States view this tenth anniversary, but also and more importantly a sign of their commitment to

action. Otherwise, the gap between rhetoric and reality will yawn further and the credibility of the Council itself will also be further impaired.

It is too easy to talk of the issue at hand, as the Permanent Representative of Zambia put it this afternoon, "from the comfort of distance and in the shelter of the edifices of wealth" without fully appreciating the genuine horror for individuals and families of what we are actually talking about.

It is very late, so let me make one or two rapid concluding comments.

Many speakers have expressed support for those parts of the resolution dealing with the role of peacekeeping missions in the protection of civilians and for the findings of the joint study commissioned by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) and the Department of Peacekeeping Operations (DPKO) on this subject. Let me just repeat that OCHA and DPKO look forward to working with many Council members in the months ahead to take those recommendations forward.

Several speakers mentioned the important role of regional and subregional actors in peacekeeping. We certainly intend to share the findings of the study with those regional organizations that have a role in peacekeeping, for example, the African Union, the European Union and NATO.

Many speakers have underlined, correctly, the importance of ensuring accountability for those who violate the law, and some have referred to the importance in this context of fact-finding mechanisms. I would certainly urge the Council and Member States to give greater consideration to how to employ such mechanisms on a more frequent, consistent and less politically influenced basis.

On the issue of the value of engagement with non-State armed groups for compliance and access, mentioned by a number of speakers, the Secretary-General has called on the Council to convene an Arria formula meeting to discuss the experience of United Nations and non-governmental actors in engaging such groups. I hope the Council will convene such a meeting ahead of the first protection of civilians open debate in 2010.

Let me also reiterate the point, made by the Secretary-General and several others, that when it comes to protecting civilians in armed conflict, the Council cannot afford only to address protection concerns in those situations on its political agenda. We need to find ways to address other alarming situations better and to make better use of the unique protection tools at the disposal of the Council.

Finally, a few speakers noted that the nature of contemporary conflict, marked by the struggle against non-State armed groups in what is known as asymmetric warfare, poses new challenges for the protection of civilians. I acknowledge the complexity of these challenges, but the suggestion seems to be that fighting an enemy who is difficult, if not impossible to identify or distinguish from civilians, and one that at times commits flagrant violations of international humanitarian law, somehow makes the application of the law to States parties to conflict less relevant.

The law itself is quite clear. All parties to conflict must at all times take the necessary steps to spare the civilian population and distinguish at all times between civilians and combatants.

Moreover, violations by one party, including non-State parties, do not permit or justify violations by any other party to that same conflict. Indeed, the nature of contemporary armed conflicts and the increasing prevalence of conflict in urban and densely populated settings means that all parties must be ever more vigilant and determined to respect and ensure respect for their obligations under the law, even if there is room for experts to look at how that can be best done in such challenging circumstances.

One issue here is the choice of weapons. As noted in the last report of the Secretary-General (S/2009/277), there are increasing concerns about the humanitarian impact of explosive weapons when used in densely populated areas in terms of the risk to civilians caught in the blast or killed or injured by damaged buildings, and in terms of damaged infrastructure vital to the well-being of the civilian population such as water and sanitation systems. Again, there is scope for a new look at this crucial issue, and I hope the Council will take it up at some point.

The President: The representative of the United States has asked for the floor, and I call on him now.

Mr. DeLaurentis (United States of America): I regret having to take the floor at this late hour. I thank you again, Sir, for organizing this meeting on this

critical issue. Unfortunately, the contribution of the delegation of the Venezuela to our debate today was to focus its statement on irrelevant and extraneous issues that had little to do with the subject at hand. It is regrettable that Venezuela has sought to use this opportunity to promote other objectives. In our view, it was a disservice to this Council and to your efforts today, Sir.

The President: There are no further speakers inscribed on my list.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 8.35 p.m.